



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Consideration of reports submitted by States
parties under article 19 of the Convention**

Second periodic reports of States parties due in 2008

Qatar

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Contents

	<i>Page</i>
Introduction.....	4
Part I Basic information about Qatar: land and population, standard of living, general political structures and legal framework for protection of human rights	4
1.1 Population.....	4
2.1 Standard of living	5
3.1 Constitutional framework and legal protection for human rights	5
3.1.1 Permanent Constitution of Qatar	5
3.1.2 Organization of powers.....	5
3.1.3 Advisory Council.....	6
3.1.4 The judiciary.....	6
4.1 Legislation for the protection of human rights.....	7
4.1.1 Constitutional protection for human rights	7
4.1.2 Legal safeguards for human rights.....	7
5.1 Institutions	8
5.1.1 Supreme Council for Family Affairs	8
5.1.2 Qatar Foundation for Combating Human Trafficking	10
5.1.3 Qatar Foundation for the Protection of Women and Children.....	10
5.1.4 National Committee for Integrity and Transparency	11
5.1.5 National Human Rights Committee.....	11
Part II Information on measures and developments relating to the implementation of the Convention in Qatar	12
Article 1	12
Article 2	13
Article 3	14
Article 4	15
Article 5	16
Articles 6, 7, 8 and 9	17
Article 10	18
Article 11	19
Article 12	21
Article 13	21
Article 14	22
Article 15	23
Article 16	23

Part III	Follow-up on the concluding observations and recommendations of the Committee against Torture	23
	Re-examine the reservation with a view to withdrawing it	24
	Adoption of a comprehensive definition of torture	24
	Adoption of effective measures to ensure the independence of the judiciary	24
	Ensuring that the Convention and the different forms of protection it provides are applicable to all acts that are in violation of the Convention and that all persons are entitled, in equal measure and without discrimination, to the rights contained therein	25
	Ensuring that the activities of the National Human Rights Committee are brought into full compliance with principles governing national human rights institutions (the Paris Principles), including with regard to its independence.....	26
	Ensuring in law that persons detained or in custody have access to a lawyer and the means to notify a relative	26
	The penalties of stoning, amputation and flogging	27
Annexes		
Annex 1	Qatar National Vision 2030	
Annex 2	Qatari Constitution, part III, title “Public rights and duties” (arts. 34–58)	
Annex 3	Activities of the Legal and Judicial Studies Centre, the Police Training Centre and Ministry of the Interior Human Rights Department and the National Human Rights Committee	
Annex 4	Activities of Al Jazeera Satellite Channel in the dissemination of a human rights culture	

Introduction

Qatar is honoured to submit this report to the Committee against Torture in accordance with article 19, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in line with the guidelines and general recommendations issued by the distinguished Committee. Qatar acceded to the Convention against Torture on 11 January 2000 and confirms its adherence to the principles and purposes of the Convention taking as its starting point the precepts of Islam, the official religion of the State, which advocates respect for human dignity and freedom and equality for all without discrimination on the basis of race, colour, gender or religion. In this report, which covers the period between 2004 and 2009, we will provide detailed information on the steps taken by Qatar to implement the Convention against Torture.

The report contains three main sections:

- Part I: Basic information about Qatar: population, standard of living, constitutional framework and legal protection of human rights
- Part II: Information on measures and developments related to the implementation of the Convention in Qatar (arts. 1–16)
- Part III: Follow-up on the concluding observations and recommendations of the Committee against Torture

This is to be considered a joint national report, having been drawn up by a national committee composed of different State agencies that was established further to a decision adopted by the Council of Ministers at its 31st ordinary meeting of 2007. On the recommendation of the treaty bodies it was decided that the report would be submitted to the National Human Rights Committee for comments and feedback. In submitting its second periodic report, Qatar reaffirms its complete readiness to cooperate with the distinguished Committee and to reply to any queries or requests for clarification concerning the implementation of the Convention. Qatar wishes the Committee continuing success in its efforts to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Part I Basic information about Qatar

1.1 Population

According to the most recent census (2010), the population of Qatar is 1,696,563 (1,284,867 males (76 per cent) and 411,696 females (24 per cent)). Migrant workers represent 84 per cent of the population. The following table shows how the population of Qatar has grown according to figures taken from the population censuses of 1986, 1997 and 2004 as well as estimates for 2009.

Table 1
Population growth in Qatar, by sex and broad age group

Year	Male			Total male	Female			Total female	Total
	0–14	15–64	65+		0–14	15–64	65+		
1986	53 038	194 850	2 207	250 095	50 248	70 493	1 595	122 336	372 431
1997	71 753	224 846	4 911	301 510	68 011	111 413	2 889	182 313	483 823

Year	Male			Total male	Female			Total female	Total
	0–14	15–64	65+		0–14	15–64	65+		
2004	67 912	478 354	6 550	552 816	64 716	139 085	4 329	208 130	760 946
2009	115 485	1 139 986	9 975	1 265 146	108 281	259 173	6 026	373 480	1 638 626

2.1 Standard of living

Qatar is going through a remarkable phase in its history and is making rapid strides towards full and comprehensive development, as reflected in the unprecedented rates of economic growth and expansion that it has achieved. Gross domestic product (GDP) increased by between 7.6 and 8.26 per cent a year in the period 2004–2009 (at constant (2004) prices). Public expenditure also increased; the State budget grew from around 95 billion Qatari riyals (QR) in 2009–2010 to QR 127.5 billion in 2010–2011. Qatar has one of the highest standards of living in the world and was ranked thirty-third in the world in the Human Development Report 2009 published by the United Nations Development Programme (UNDP). The report indicates that Qatar has broken new ground by leaping to thirty-third position in the world rankings, an achievement indicative of considerable and sustained progress in human development terms. The report also shows that the human development index rating for Qatar increased from 0.875 to 0.910, reflecting advances in education, health and GDP. In education, the illiteracy rate decreased to 6.9 per cent, while the school enrolment ratio increased to 80.4 per cent, as against 77.7 per cent the previous year. With regard to health, life expectancy reached 75.5 years, up from 75 years in the previous year. Per capita income leapt to \$7,882 in 2009.

The human rights situation in Qatar must be considered in the context of this data on the population structure and standard of living.

3.1 Constitutional framework and legal protection for human rights

3.1.1 Permanent Constitution of Qatar

Qatar views the promotion and protection of human rights as a strategic choice underpinning the comprehensive reform policy (constitutional, economic, social and cultural) that the State has pursued since His Highness Sheikh Hamad bin Khalifa Al-Thani came to power. This choice is confirmed in the comprehensive vision of development set out in the Qatar National Vision 2030, adopted by Sovereign Decree No. 44 of 2008. The Vision embraces a range of core human rights themes relating to education, health care, the environment, migrant workers' rights and the rights of children (annex 1).

The State's efforts to protect human rights are guided by the Permanent Constitution, the 150 articles of which set out the principles that drive State policy, provide for the separation of State powers, the maintenance of the rule of law and the independence of the judiciary, and guarantee fundamental rights and freedoms. Chapter II, entitled "Basic components of society", states that Qatari society is founded on justice, kindness, freedom, equality and morality. According to the Constitution, the State bears responsibility for upholding these fundamental principles and ensuring security, stability, equality of opportunity, solidarity and harmony among citizens. The Constitution also recognizes the central role of the family, which is the foundation of society and is sustained by religion, morality and patriotism. It defines the role of the State vis-à-vis the family and stipulates that the young must be protected from corruption, exploitation and the ills of physical, mental and spiritual neglect and allowed to enjoy conditions conducive to the development of their abilities. Chapter III of the Constitution is devoted to the subject of fundamental

rights and freedoms, which will be dealt with in detail in the section below on legal protection of human rights. The Constitution states that the foreign policy of Qatar is founded on the promotion of international peace and security, respect for human rights, the renunciation of violence and of the use of force, support for the peaceful settlement of international disputes and cooperation with peace-loving nations.

3.1.2 Organization of powers

The basic principle underlying the organization of powers in Qatar is that the people are the source of all powers, which they exercise in accordance with the Constitution. The system of government is based on the separation of, but full cooperation among, the different powers of State. Legislative power is vested in the Advisory Council, while executive power is exercised by the Amir, assisted by the Council of Ministers. The administration of justice is the preserve of the courts. The Amir — May God protect him! — is the Head of State and Commander-in-Chief of the Armed Forces. Respect for him is a duty. The Council of Ministers submits bills and decrees to the Advisory Council for discussion. If approved these texts are submitted to the Amir for ratification and promulgation in accordance with the Constitution. The Council of Ministers also approves the regulations and decisions drafted by Government ministries, monitors the implementation of laws and oversees the functioning of the State's financial and administrative machinery.

3.1.3 Advisory Council

As can be seen from article 77 of the Permanent Constitution, the idea of a single legislative chamber with elected and appointed members, but a clear majority of elected members, was taken up in preference to that of a bicameral system. Article 77 provides that the Advisory Council shall consist of 45 members, of whom two thirds are to be elected directly by secret ballot, while the remaining third are appointed by His Highness the Amir. According to the Constitution, the Advisory Council has legislative powers, approves the general budget and oversees the work of the executive branch.

3.1.4 The judiciary

The Constitution recognizes the independence of the judiciary. Article 30 states: "The Judiciary is independent; judicial power shall be exercised by the courts of various kinds at different levels." The Constitution recognizes the importance of the honesty and impartiality of judges in ensuring people's rights and freedoms. Article 131 stipulates: "Judges are independent and are subject to no authority other than the law. No authority has the right to interfere in the administration of justice." The independence of the judiciary is also affirmed in the Judicial Authority Act No. 10 of 2003, article 2 of which provides: "Judges are independent and may not be removed, except in accordance with this Act. The independence of the judiciary shall not be compromised, nor shall there be interference in the administration of justice." As stated in the Judicial Authority Act, the national courts consist of a court of first instance, a court of appeal and the Court of Cassation. The Supreme Judicial Council was established under the Judicial Authority Act to uphold the independence of the judiciary, to comment on matters affecting the judiciary, to study and to propose legislation on the development of the judicial system and to offer its views on judicial appointments, promotions, transfers, secondments and retirements in accordance with the requirements of the Judicial Authority Act. In addition to these functions, the Council considers complaints relating to the administration of justice, on which its decisions are final. The Judicial Authority Act guarantees the financial independence of the courts, by stipulating that their budgets are to appear as annexes to the State budget.

In the Constitution the task of verifying the constitutionality of laws is defined as a centralized function whose regulation is left to the law. Most modern constitutions also tend to favour that system, as it is conducive to achieving a broad balance between the different branches of government. Act No. 12 of 2008 established the Supreme Constitutional Court as an independent body with its own funding and with the authority to adjudicate in disputes relating to: the constitutionality of laws and regulations; conflicts of jurisdiction; disputes concerning the execution of conflicting final judgements issued by the courts or other judicial bodies. The Court is also competent to interpret laws that prove controversial in practice and has the required weight to harmonize different interpretations of the law, at the request of the Prime Minister or the President of the Advisory Council. In accordance with the provisions mentioned above, the Constitutional Court may adjudicate in disputes relating to the constitutionality of laws and regulations. This it may do on its own motion or at the request of parties in a dispute. Its judgements and decisions are final, not subject to appeal and binding on all State authorities and persons in Qatar.

The independence of the judiciary was strengthened and enhanced by the promulgation of Act No. 7 of 2007 on the adjudication of administrative disputes. Under this Act, abuse of power constitutes grounds for revoking an administrative decision or claiming compensation.

4.1 Legislation for the protection of human rights

4.1.1 Constitutional protection of human rights

Since he came to power and instituted a comprehensive policy of reform, His Highness Sheikh Hamad bin Khalifa Al-Thani has sought to ensure that human rights are at the core of constitutional, political, economic, social and cultural reforms. This is reflected in the measures taken to develop and strengthen the country's legislative and institutional human rights machinery. Articles 34–58 of the 2004 Constitution are focused on fundamental rights and freedoms. The Constitution embraces the principle that these rights are integrated, interrelated, interdependent and indivisible, and thus guarantees economic, social, cultural, civil, political and collective rights equally. The fundamental rights and freedoms guaranteed by the Constitution include equality before the law, prohibition of discrimination, personal freedom, criminalization of torture, freedom of the press and of expression, the right to freedom of association, freedom of worship, the right to work, the right to education, and the right to freedom of assembly (annex 2). The Constitution states that these rights must not be regulated or modified in such a way as to restrict or diminish them. Article 146 stipulates that the provisions pertaining to public rights and freedoms may not be amended save for the purpose of granting more safeguards in the interests of citizens.

4.1.2 Legal safeguards for human rights

The fundamental human rights and freedoms guaranteed by the Constitution have been further strengthened through the enactment of a number of national laws, including the following:

- Act No. 1 of 1994 on youth
- Act No. 10 of 2003 promulgating the Judicial Authority Act
- Act No. 2 of 2004 on persons with special needs
- Act No. 11 of 2004 promulgating the Criminal Code
- Act No. 14 of 2004 promulgating the Labour Code

- Act No. 23 of 2004 promulgating the Code of Criminal Procedure
- Act No. 22 of 2005 prohibiting the recruitment, employment, training and involvement of children in camel racing
- Act No. 22 of 2006 promulgating the Family Code
- Act No. 12 of 2008 on the establishment of the Supreme Constitutional Court
- Act No. 3 of 2009 regulating penitentiaries and correctional institutions
- Act No. 4 of 2009 regulating the entry and exit of migrant workers

5.1 Institutions

The State's interest in human rights is evident in the fact that Qatar has established numerous governmental and non-governmental institutions to promote and protect human rights as integrated, interdependent and indivisible rights. A number of ministerial human rights departments have been set up in Government ministries: the Office of Human Rights in the Ministry of Foreign Affairs, the Department of Human Rights in the Ministry of the Interior, and the Supreme Council for Family Affairs. In addition, special public interest institutions have been established: the Qatar Foundation for Combating Human Trafficking and the Qatar Foundation for the Protection of Women and Children. Non-governmental organizations include the National Human Rights Committee and a considerable number of civil society organizations concerned with human rights and development issues. Furthermore, the Ministry of Labour has been given a greater role in the protection of migrant workers in view of the current economic boom under way in Qatar. Sovereign Decree No. 35 was issued in 2009 to regulate the organizational structure of the Ministry of Labour and introduce three new labour departments:

- The Department of Employment, which has responsibility for issuing, renewing and cancelling work permits in accordance with the relevant laws, and of creating a database on migrant workers in coordination with other departments.
- The Department of Labour Relations, which receives and examines labour-related complaints and disputes, either resolving them amicably or, if necessary, referring them to the courts; it also keeps workers informed about labour law and gives them appropriate guidance.
- The Department of Inspection and Labour, which undertakes periodic inspections of workplaces to ensure that labour law is being applied and that employers are paying workers' wages regularly. It also monitors compliance with health and safety standards in order to protect workers from workplace hazards.

To strengthen the institutional infrastructure for the protection and promotion of workers' rights, the Supreme Judicial Council has designated a number of special courts to hear workers' claims and address them promptly. Four divisions have thus been established in the magistrates' courts and the high court to dispose of such cases. It should also be noted that court fees are waived in labour cases.

5.1.1 Supreme Council for Family Affairs

The establishment of the Supreme Council for Family Affairs, by Sovereign Decree No. 53 of 1998, reflects the interest that the authorities have taken from an early stage in meeting the need for a high-level national body to deal with the issues, needs and future aspirations of families. In this connection, Sovereign Decree No. 15 of 2009 was issued to regulate the Supreme Council for Family Affairs in keeping with the overall vision of development set out in the Qatar National Vision 2030. The Decree stipulates that the

Council reports to His Highness the Amir and consists of a president, a vice-president and between five and seven members appointed by sovereign decree.

As the supreme authority on all matters relating to the family, the Council is expected to enhance the status and the role of the family in society, provide for the advancement of families and their members and ensure that family remains a strong and cohesive unit in which children are cared for and moral and religious values and ideals are upheld. The Council has at its disposal full authority to develop strategies, policies and programmes to improve the quality of life of families and their members, ensure that they have social security and stability and work towards the goals set out in international instruments that deal with family matters. Moreover, the Council follows up on the implementation of the international conventions that deal with family issues and the rights of children, women, and persons with disabilities to which Qatar is a party. It also comments on draft treaties on the protection of the family and its members. It endeavours to build women's capacities, ensure women's participation in economic and political life, particularly in decision-making, increase employment opportunities for women and support them in their professional lives. It proposes draft legislation on families and their members. In addition, it pursues cooperation with international and regional bodies and organizations involved in family issues and represents Qatar in regional and international conferences and committees on the subjects of the family, children, women and persons with disabilities. Moreover, it holds conferences, seminars and panel discussions and conducts research on subjects pertaining to the family.

The Council attaches considerable importance to coordination and cooperation with all State agencies and to support for, and the participation of, civil society organizations. It pays particular attention to volunteer work, and with private sector participation and active contributions from target groups, namely, the families, children, women, young persons, persons with disabilities and older persons.

The Supreme Council for Family Affairs was behind the proposal to enact a number of laws in order to bring domestic legislation and practices into line with human rights treaties. These laws include the Persons with Special Needs Act No. 2 of 2004, Act No. 18 of 2005, establishing a State prize for children's literature, Act No. 22 of 2005, prohibiting the recruitment, employment, training and involvement of children in camel racing, and Act No. 19 of 2008, on gender equality in respect of payment of blood money.

The Council was instrumental in securing the State's accession to numerous international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and has also conducted numerous research projects and studies on the family.

Alongside the legislation that it has helped to implement, in fulfilment of the State's obligations under international human rights treaties, the Council has taken numerous executive decisions and founded various institutions that provide assistance for families, children, women, persons with disabilities and older persons. These institutions, which will be mentioned at various points throughout the report, are: the Shafallah Centre for Children with Special Needs, founded in 2001; the Cultural Centre for Childhood and Motherhood, founded in 2003; the Family Counselling Centre, founded in 2003; the Qatar Foundation for the Protection of Women and Children, established in 2003; the Qatar Foundation for the Welfare of Orphans, established in 2003; the National Office to Combat Human Trafficking, established pursuant to Decision No. 8 of 2005 issued by the President of the Supreme Council for Family Affairs; the Social Rehabilitation Centre, established by the Supreme Council for Family Affairs in 2007; and the Qatar Foundation for Combating Human Trafficking, established pursuant to Supreme Council for Family Affairs Decision No. 1 of 2008.

5.1.2 Qatar Foundation for Combating Human Trafficking

The Qatar Foundation (formerly the National Office) for Combating Human Trafficking was set up in 2005 to propose policies, establish national plans of action and tighten up the laws on human trafficking. It also oversees the Qatar Home for Shelter and Humanitarian Care, which was established in 2003 by a decision of the Council of Ministers to provide victims of trafficking with support and protection and social rehabilitation and reintegration assistance. The Foundation has run information campaigns to alert all segments of society to the different aspects of human trafficking. It produces numerous publications and organizes meetings and interviews. As regards capacity-building, the Foundation, in conjunction with the competent authorities, has laid on a great many training courses and workshops, chiefly for members of the police force, on what trafficking entails and how to identify people who have been trafficked. It has also, in cooperation and coordination with the Ministry of Labour, run awareness-raising campaigns for migrant workers in Qatar and has published a multilingual handbook for migrant workers.

5.1.3 Qatar Foundation for the Protection of Women and Children

The Qatar Foundation for the Protection of Women and Children was established under the Private Associations and Institutions Act No. 8 of 1998 as a private foundation for the protection of children and women. It was subsequently converted to a private institution that serves the public interest by Supreme Council for Family Affairs Decision No. 4 of 2007. Its broad aim is to protect target groups from violence in the family and society. In particular, the Foundation was established to:

- Assist in providing accommodation and integrated care to target groups
- Protect target groups from deviant practices in the family and society
- Raise awareness among target groups, the family and members of the community of the social and legal aspects of human rights
- Provide legal assistance to those without means in the target groups
- Assist and rehabilitate victims of violence in target groups and reintegrate them into society

The Foundation provides social services such as counselling and guidance, in addition to a full range of reintegration and rehabilitation services and programmes for victims of abuse and violence. It also provides legal services such as assistance in court, and mental health services such as testing and group cognitive behavioural/support psychotherapy, depending on need.

The Foundation has established a number of facilities such as *Dar al-Aman*, a shelter offering homeless women and children who are victims of abuse and violence temporary refuge until their situation is resolved, together with psychological and social rehabilitation services. From October 2007 to April 2009, the Foundation admitted a total of 105 persons to the shelter (54 children and 51 women). The Foundation also has an office in the accident and emergency department at Hamad General Hospital to provide support, care and protection for women and children who are victims of abuse and violence; in 2008, it received 17 children and 180 women.

With regard to training, the Foundation has organized a number of seminars, workshops and courses for education, health and security sector personnel. It has also organized and run awareness and education campaigns to promote a culture of protection in society, published information about the Foundation and its hotlines and produced numerous booklets, pamphlets and publications such as the magazine *Aman*.

5.1.4 National Committee for Integrity and Transparency

The National Committee for Integrity and Transparency was established by Sovereign Decree No. 84 of 2007, following the State's ratification of the United Nations Convention against Corruption in 2007, and reports directly to His Highness the Crown Prince. The Committee is chaired by a member of the State Audit Bureau and the members come from the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Economy and Commerce, Qatar Central Bank, the Office of the Attorney General and Qatar Petroleum.

The Committee's mandate is to endeavour to promote compliance with the State's obligations under the United Nations Convention against Corruption, to develop a national strategy to promote integrity and transparency and to propose legislation to prevent and combat corruption, in accordance with the standards and requirements set out in the Convention. Its mandate also includes the development of education and training programmes to raise awareness among civil servants, particularly to train those working in financial institutions on the use of sophisticated techniques for uncovering cases of corruption. The Committee submits an annual report to His Highness the Crown Prince on its activities and achievements and makes recommendations on how it can achieve its objectives. It should be mentioned that Qatar hosted the third session of the Conference of the States Parties to the United Nations Convention against Corruption, which was held from 9 to 12 November 2009 to review progress in the fight against corruption, as well as the Global Forum VI on Fighting Corruption and Safeguarding Integrity, which was held from 7 to 8 November 2009 and had as its theme "Strength in unity: working together against corruption".

5.1.5 National Human Rights Committee

The National Human Rights Committee was established by Decree-Law No. 38 of 2002 as an independent national body for the promotion and protection of human rights. The objectives of the Committee are to:

- Promote and protect human rights and fundamental freedoms
- Enrich and spread a culture of human rights inspired by the Islamic sharia and all international human rights treaties
- Ensure that all the rights and freedoms set forth in the Permanent Constitution of Qatar are realized and promoted
- Prevent persons under the jurisdiction of Qatar from being subjected to violations of any kind
- Develop relations and cooperation between the Committee and all international, regional and local organizations, whether governmental or non-governmental

Act No. 38 of 2002 granted the Committee many of the powers referred to in the Paris Principles. Since the human rights infrastructure and civil society in Qatar were new at that time, the Committee was established in accordance with article 3 of the Act with seven members from governmental bodies and five from civil society. It should be noted here that Act No. 38 of 2002 was amended by Decree-Law No. 25 of 2006 to ensure consistency with the Paris Principles; the Committee now includes no less than seven members of civil society and five from governmental bodies – the latter do not have voting rights. In the interests of transparency and in order to raise awareness of human rights, the National Committee publishes its annual reports on its website (www.nhrc-qa.org). The Government takes account of the recommendations of the Committee and takes steps to implement them.

Part II

Information on measures and developments relating to the implementation of the Convention in Qatar

Article 1

Definition of torture

Article 36 of the Qatari Constitution guarantees the right or freedom not to be subjected to torture or humiliating treatment and criminalizes torture. It provides: “Personal freedom shall be assured. No one may be arrested, imprisoned, searched, compelled to reside at a given location or have his freedom of residence or movement curtailed except in accordance with the law. No one may be subjected to torture or degrading treatment. Torture is an offence that is punishable by law.”

The protection offered in article 36 of the Constitution has been strengthened and enhanced through detailed provisions in both the Criminal Code and the Code of Criminal Procedure, which prohibit and criminalize torture.

In order to implement the recommendation of the Committee against Torture concerning the adoption of a definition of torture consistent with article 1 of the Convention, the provisions of the Criminal Code promulgated by Act No. 11 of 2004, were amended by Act No. 8 of 2010 to read as follows:

1. Article 159 of Act No. 11 of 2004 was replaced with the following text:

“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 a term of up to 5 five years’ imprisonment. If the victim sustains an injury which causes permanent disability as the result of an act committed by a public official, the perpetrator shall be liable to a penalty of up to 10 years’ imprisonment. If the victim dies as a result of the act, the perpetrator shall be liable to the death penalty or life imprisonment.”

2. A new article 159 bis was added, as follows:

“Any public official or any other 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 a term of up to 5 five years’ imprisonment. If the victim sustains a permanent disability as a result of being tortured, the perpetrator shall be liable to a term of up to 10 years’ imprisonment.

“If the victim dies as a result of being tortured, the perpetrator shall be liable to the death penalty or life imprisonment.

“Torture means 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 a third person information or a confession, punishing him for an act that he or a third person is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

A number of articles in the Code of Criminal Procedure prohibit torture. Article 40 provides: “No one may be arrested or imprisoned except pursuant to a warrant issued by the

competent authorities under the conditions specified 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 the accused of his right to remain silent and to contact a person of his own choosing.” In addition, article 232 of the Code of Criminal Procedure states clearly that a confession extracted under torture is inadmissible as evidence.

Article 68 of the Qatari Constitution clearly states that treaties and conventions acquire the force of law after they have been ratified and published in the Official Gazette. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified by Decree No. 27 of 2001 and published in issue No. 11 of the Official Gazette during the same year. It is therefore applicable in Qatar, where it has the force of law. Moreover, article 6 of the Constitution states clearly: “The State shall abide by international instruments and treaties and shall endeavour to implement all the international conventions, instruments and treaties to which it is a party.”

Article 2

Information on legal and administrative measures to ensure that exceptional circumstances are not invoked as a justification of torture

Article 36 of the Constitution guarantees the right to freedom from torture or degrading treatment. It expressly states: “Personal freedom shall be assured. No one may be arrested, imprisoned, searched, compelled to reside at a given location or have his freedom of residence or movement curtailed, except in accordance with the law. No one may be subjected to torture or degrading treatment. Torture is an offence that is punishable by law.”

As is clear from article 36, the right to freedom from torture and the right to freedom from degrading treatment are protected under the Constitution as inderogable rights that may not be revoked or suspended. Moreover, torture is defined as a criminal offence.

Therefore, the protection provided for under article 36 of the Constitution ensures that exceptional or other circumstances may not be invoked as a justification of torture.

Information relating to the position of the public authorities, in particular the military, with regard to the requirement to obey orders and any other rules and procedures concerning the refusal of orders to inflict or practise torture

The principle that orders must be obeyed is emphasized in criminal and military law as a way of regulating and facilitating the task of the military. Subordinates are required to obey their superiors but absolute obedience to every order is not required. Orders must be legitimate, in other words they must not entail any violation of positive or divine laws; should an order or instruction entail a violation of the law, subordinates will not be required to obey it.

Subordinates must ascertain whether orders are legitimate and carry them out in good faith. If a subordinate exceeds his delegated authority and breaches the law, he will be held responsible for his actions and will be deemed criminally liable, unless he believed, in good faith, that the act did not constitute a criminal offence, in which case the person who issued the order will be held criminally liable for the act committed. Article 48 of the Criminal Code provides for the following penalties:

“It is not an offence for a public official to commit an act pursuant to an order from a superior whom he has or believes he has a duty to obey or for the purpose of enforcing the law or if he believes, in good faith, that he is acting within his area of responsibility.

“In all cases, the official is required to prove that he acted only after verifying and questioning the order, that he believed it to be legitimate, and that his belief was based on reasonable grounds.”

Moreover, under article 75 of the Civil Service Act No. 1 of 2001, public officials are required to comply with the laws, regulations and statutes in force and to endeavour to apply them and to uphold the dignity, honour and good name of their office both in and outside the workplace. In the event of a violation, the disciplinary sanctions prescribed in article 85 of the Act are imposed. The principal sanctions are withholding of salary, demotion or suspension from duty. The Human Resources Management Act No. 8 of 2009 follows the same approach, as can be seen from article 122, concerning professional duties, and article 137, concerning disciplinary sanctions that may be imposed on an official for failing to perform his duties.

Military legislation also criminalizes torture and other cruel, inhuman or degrading treatment or punishment in accordance with the principle enshrined in the Constitution. Article 73 of the Military Service Act No. 31 of 2006 provides: “Anyone who commits an act prohibited under the present law shall be held accountable and disciplined ... without prejudice to any civil or criminal proceedings that may be brought as appropriate.” Article 72 enumerates the acts that are prohibited. Article 16 states that it is prohibited for a soldier to “abuse the power and authority vested in him or exceed the limits of his delegated authority”, while article 73 provides that “a soldier shall not be punished if he proves that the violation was committed under orders from his superior, in which case the person who gave the order has sole responsibility”.

Article 3

Different authorities and bodies are competent to deal with the extradition, repatriation and deportation of accused persons and, accordingly, different kinds of appeal can be made in each case. The Code of Criminal Procedure contains a number of explicit provisions concerning the authorities and bodies competent to extradite accused persons and to deal with appeals against extradition decisions. Article 413 thereof provides: “The Public Prosecutor (Office of the Public Prosecutor) is the body legally authorized to decide on requests for the extradition of convicted or accused persons to a foreign State.” Moreover, article 419 provides that extradition decisions can be appealed by the person concerned. Articles 420 and 421 stipulate that the Appeals Court (criminal divisions) is competent to consider appeals and that its decisions in this regard are final. Moreover, article 410 of the Code of Criminal Procedure expressly specifies the situations in which extradition may not take place, including:

1. If the person whose extradition is requested is a Qatari national.
2. If the offence committed by the person whose extradition is requested is political or linked to a political offence, or if the person whose extradition is requested is a political refugee at the time the request for extradition is made.
3. If the offence for which extradition is requested relates exclusively to a breach of military duty.
4. If there are serious grounds to believe that the purpose of the extradition request is to try or to punish the individual on account of his or her race, religion, sex or political opinion or that any of these factors would be used to the detriment of the person whose extradition is requested.
5. If the person whose extradition is requested has previously been tried and finally acquitted or convicted for the same offence in conformity with the law of the

State in which the judgement was handed down and if he or she has served his or her sentence or if the criminal action or the penalty has expired or become null and void owing to the passage of time or the granting of a pardon in accordance with Qatari law or the law of the State requesting the extradition.

6. If, under Qatari law, the person whose extradition is requested can be tried by the judicial authorities in Qatar for the offence for which extradition is requested.

With regard to deportation, Act No. 4 of 2009 regulating the entry, exit, residence and sponsorship of migrant workers in Qatar identifies the authorities competent to deport foreigners, as follows:

- Judicial deportation: the deportation of foreigners is effected on the basis of a decision taken by the competent court in accordance with articles 65, 77 and 78 of the Criminal Code. Appeals against judicial deportation decisions may be lodged in accordance with appeals procedures in criminal cases.
- Statutory deportation: deportation is effected on the basis of a decision taken by the Minister of Interior in accordance with article 37 of the Criminal Code, which provides: “Except where another law applies, the Minister may issue a deportation order for any migrant worker whose presence in the State is shown to pose a threat to the internal or external security of the State or to the national economy, public health or public morals.”

Article 4

The criminal legislation in force in Qatar includes provisions that prohibit and criminalize acts of torture and other practices that constitute ill-treatment or harsh punishment. According to the Code of Criminal Procedure, no one may be arrested or detained except by order of the competent authorities and subject to the fulfilment of all the conditions specified by law. Moreover, all persons must be treated in a manner that preserves their human dignity, and no one may be subjected to physical or mental harm (art. 40).

Thus, torture, even if it is used for a limited period, namely, during the arrest and detention stage, is still defined as a criminal offence.

Part III, section III, of the Criminal Code, which deals with abuse of office and abuse of authority, prescribes a penalty of up to 5 years’ imprisonment for 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.

If, as a direct result of an act committed by a public official, the victim sustains permanent disability, the perpetrator shall be liable to a penalty of up to 10 years’ imprisonment. If the victim dies as a result of the act, the perpetrator shall be liable to the death penalty or life imprisonment (art. 159).

The above provisions clearly rule out any claim to immunity that a public official could make after committing, attempting to commit, or participating in an act of torture, which is an offence under article 4 of the Convention.

The Criminal Code does not overlook acts that cause harm and pain but do not amount to torture. It provides for the imposition of a penalty of up to 3 years’ imprisonment and/or a fine of up to 10,000 Qatari riyals (QR) for any public official who uses his official powers to harm others (art. 160). The word “harm” includes physical and mental harm.

Article 161 of the Criminal Code makes the following distinction between torture and other acts of cruelty or ill-treatment: “A penalty of up to 3 years’ imprisonment and/or a fine of up to 10,000 riyals shall be imposed on any public official who, during the course of his duties, commits or orders others to commit acts of cruelty that are not authorized by law.”

Furthermore, under article 162 of the Criminal Code it is a crime for any public official to enter or order someone else to enter the house of a person or any annex thereof or to search a person, or his residence or premises without his consent, except as provided for by law. Such an act carries a penalty of up to 3 years’ imprisonment and/or a fine of up to QR 10,000.

In addition, under article 163 of the Criminal Code it is a crime for a public official to arrest, imprison or detain any person in circumstances other than those provided for by law. Such an act carries a penalty of up to 5 years’ imprisonment.

Disciplinary sanctions in addition to the penalties provided for in section III referred to above are found in article 165, which provides: “In addition to the other penalties provided for in the present section, the perpetrator may be sentenced to exclusion from public office.”

Outside the context of public office, the Criminal Code contains a chapter on offences against personal freedom and inviolability of person (arts. 318–333), in which penalties are prescribed for illegal abduction, arrest, forced labour, detention and deprivation of liberty. The penalty for such acts is a term of up to 15 years’ imprisonment, depending on the circumstances, including: “Where the act was committed by means of deception or was accompanied by abuse of power, threats, murder or physical or mental torture” (art. 318).

The following table provides statistical information on complaints about torture or degrading treatment brought against public officials and referred to the competent courts.

<i>Year</i>	<i>No. of complaints referred to the courts</i>	<i>Charge</i>	<i>Verdict</i>	<i>Penalty</i>	<i>Compensation (civil action)</i>
2005	2	Cruelty	Guilty	Imprisonment	Not sought
2006	2	Cruelty	Guilty	Imprisonment	Not sought
2007	2	Cruelty	Guilty	Imprisonment	Not sought
		Abuse of authority	Guilty	Imprisonment	Not sought
2008	1	Torture	Guilty	Imprisonment	Not sought

Article 5

The question of territorial and extraterritorial jurisdiction is addressed in part II of the Qatari Criminal Code. The articles therein 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.

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 is defined as an offence or a serious offence under the Code shall be punished in accordance

with the Code, if he or she returns to Qatar and the act is punishable by law in the country in which it was committed.

Resident aliens in Qatar are deemed to be subject to the jurisdiction of Qatar, if they commit any offence or violate any law in Qatar or participate in criminal activity which occurs in part in Qatari territory. The principle of territorial jurisdiction, whereby the Criminal Code must be applied to criminal activity that occurs wholly or in part in the territory of the State, is the fundamental standard embraced by all States.

The Qatari legislature spells out this principle in article 13 of the Criminal Code, which applies to any person who commits in Qatar any one of the offences set forth in the Criminal Code. An offence is deemed to have taken place in Qatar, if a constituent act thereof is committed in Qatar or if the result of the act was achieved or intended to be achieved in Qatar.

A non-Qatari (resident) who commits or is an accessory to the commission outside Qatar of any offence involving trafficking in drugs or persons or piracy or international terrorism becomes subject to the jurisdiction of Qatar just by being present in Qatar.

Article 17 of the Criminal Code establishes that this provision applies to all persons present in Qatar, regardless of their nationality and residence status, who commit or are an accessory to any of the above offences committed abroad.

Moreover, under article 16 of the Criminal Code the jurisdiction of the State extends to the prosecution of Qatari nationals and resident aliens in Qatar who commit or participate in offences of a transnational character that are initiated entirely abroad, where such offences constitute a threat to the internal and external security of Qatar.

The Criminal Code applies to persons of any nationality who, by virtue of perpetrating an act abroad, become liable for committing or participating in an offence that occurs wholly or in part in Qatar or who, by virtue of perpetrating an act in Qatar, become liable for committing or participating in an offence that occurs wholly or in part outside Qatar, provided that the offence is punishable under the Qatari Criminal Code and subject to the rules on concurrent jurisdiction.

Lastly, pursuant to article 14 of the Criminal Code, the jurisdiction of Qatar extends to offences committed aboard ships and aircraft that are owned or operated for any purpose by the State or fly the Qatari flag. Article 17 of the Criminal Code applies the principle of universal jurisdiction to the offences of trafficking in drugs or persons, piracy and international terrorism.

In the light of the above, it is clear that the Qatari Criminal Code establishes the ground rules for determining how extraterritorial jurisdiction applies to offences committed abroad, including those involving violations of the Convention against Torture. All forms of torture are criminalized under articles 159–164 of the Qatari Criminal Code.

Articles 6, 7, 8 and 9

Qatar does not make it a practice, in the bilateral extradition treaties which it concludes, to draw up a list of extraditable offences that is then annexed to each treaty, as this would enable some criminals to evade punishment should the offence that they have committed not be mentioned in the list. This is a constant problem, given the many forms that offences can take. Instead, the State's policy is to define very precisely the gravity of an offence or the minimum penalty for an offence. Hence, the treaties that it signs use the minimum penalty prescribed for extraditable offences as a baseline, subject to the proviso that the offence in question must be punishable under the laws of both States parties.

Articles 407–424 of the Code of Criminal Procedure regulate the conditions and rules for the extradition of accused persons or convicted criminals to a foreign State. In this regard, the following points should be noted:

1. The bilateral conventions that Qatar has signed exclude certain offences, such as political and military offences, from the extradition process.
2. Since acts of torture are acts of a grave nature and since there is no doubt that they are punished in all States, they are classified as extraditable offences.
3. In the absence of treaty arrangements between Qatar and another State, the Convention against Torture serves as the basis for extraditing a person to other States parties to the Convention. However, in such cases, extradition is effected subject to other conditions set forth in Qatari law, if Qatar is the requested State.

Part IV of the Code of Criminal Procedure, which deals with the subject of international judicial cooperation, provides, in articles 427–433, that letters rogatory are one means of rendering international cooperation and assistance in the prosecution of ordinary offences, including torture. Article 428 specifies the circumstances under which a State may refuse to execute a letter rogatory, namely:

1. Where the requested procedures are prohibited by law or are incompatible with public order norms in Qatar.
2. Where the act for which execution of the letter rogatory is requested does not constitute an offence under Qatari law, unless the accused person expressly agrees to the execution of the letter rogatory.
3. Where the offence for which execution of the letter rogatory is requested is not an extraditable offence.

Article 417 of the Code provides for a different form of international cooperation and assistance, namely, the surrender of objects acquired from, or used in, the commission of the offence with which the person to be extradited is charged or that may be used as evidence.

Article 10

The State attaches great importance to training. Several governmental and non-governmental bodies have organized various training sessions on the promotion and protection of human rights in general and the prohibition of torture in particular. These include the sessions organized by the Centre for Legal and Judicial Studies, the Police Training Institute and the Human Rights Department, which all report to the Ministry of the Interior, and the National Human Rights Committee (annex 3).

In addition, the State attaches great importance to the incorporation of human rights into school curricula and to teaching human rights concepts and principles, including the repudiation of torture. Human rights principles have been introduced into curricula in various forms – as separate topics or concepts, through classroom and extra-curricular activities and in visual aids. School textbooks and curricula cover a range of rights, including political and civil rights, economic rights, children’s rights, women’s rights, social and cultural rights, and the rights of older persons and of persons with disabilities. The educational approach is values-based and promotes cooperation, compassion, equality, love, peace and tolerance, as well as other values associated with social and civic responsibilities such as respect for the law, good citizenship, participation in the community and community activities, honesty, integrity and reliability. Furthermore, it promotes values associated with respect for the nation’s cultural heritage such as preservation of the national

culture and the environment. In 2008–2009, the Supreme Council for Family Affairs launched an initiative, in cooperation with the Qatari Armed Forces and UNICEF, to include the rights of the child as a topic in the curriculum of the Qatar Armed Forces' Military College and Training Institute. In addition, the Police Training Institute includes human rights as a topic in the course curriculum and in all training sessions that it provides to all police officers.

The satellite channel Al Jazeera makes notable efforts with regard to the dissemination of the principles and provisions of the Convention. It plays an important role in the promotion, protection and dissemination of a culture of human rights through the various programmes that it broadcasts (annex 4). In 2008, it created a special unit on human rights and fundamental freedoms which, among other things, is responsible for proposing human rights topics for Al Jazeera's programmes and highlighting universal human rights standards and human rights situations, in addition to increasing the capacity of Al Jazeera staff to deal with human rights subjects.

Article 11

Given that torture usually occurs in places where investigations are conducted and that most cases of ill-treatment happen during the arrest, detention and imprisonment stages, the right to inspect prisons and receive prisoners' complaints was given to the Office of the Public Prosecutor pursuant to Act No. 20 of 2002. Under article 7 (6) of the Act, the Office, working in coordination and cooperation with the other institutions concerned, is empowered to monitor juvenile facilities, prisons and other places of detention and conduct regular and surprise visits in order to check on logbooks and arrest and detention warrants, receive and investigate prisoners' complaints and take whatever follow-up action that it deems necessary.

As stated in article 395 of the Code of Criminal Procedure, members of the Office of the Public Prosecutor have the right to enter prisons in their area of jurisdiction in order to check that no persons are being detained there illegally, to take photographs of the facilities, and to talk to prisoners and listen to any complaints that they may wish to make. The Office is required to furnish prisoners with all necessary assistance in obtaining the information that they require.

The Code of Criminal Procedure states that the Office is entitled to receive prisoners' complaints. Article 396 provides: "Any inmate of a prison may submit a written or oral complaint at any time to the warden and ask him to forward it to the Office of the Public Prosecutor after making a note of it in the logbook. The warden shall take note of the complaint and promptly transmit it to the Office of the Public Prosecutor. Anyone who learns of a person who is being detained illegally or in a place not designated for detention shall report the matter to an official at the Office of the Public Prosecutor. As soon as the report is filed, the official shall go to the place where the prisoner is being held, investigate the matter and order the prisoner's release. He shall then write a report on the incident."

These powers provide some form of safeguard against torture and ill-treatment in prisons and correctional institutions.

Article 23 of Act No. 3 of 2009, regulating penitentiaries and correctional institutions, grants members of the Office of the Public Prosecutor the right to conduct inspections. The article reads as follows:

"Members of the Office of the Public Prosecutor shall have the right to enter institutions in their area of jurisdiction in order to check that no one is being detained there illegally. They may view and make copies of logbooks and arrest and detention warrants. They may speak to prisoners and listen to any complaints that

they wish to make. They shall provide them with all necessary assistance in obtaining the information that they require.”

In this connection, the Office of the Public Prosecutor conducts surprise visits to prison facilities in Qatar on various dates and at different times. It does this on its own initiative or further to complaints submitted by detainees or prisoners. In 2004, it carried out visits to the Department of Penal and Correctional Institutions and prisons run by the Ministry of the Interior. In 2005, it conducted surprise visits to the Central Prison and in 2006 to prisons run by the security department based in the capital. It also conducted surprise visits to the prison run by the security department for southern Qatar. In 2008, it visited a detention facility run by Qatari State Security.

According to article 22 of Act No. 3 of 2009, the Director of Prisons has the authority to send inspectors to any institution in order to check that it is complying with the rules and regulations and with security, hygiene and health standards. The officer in charge of the institution must allow the inspectors to do their work and a note in this regard be made in the logbook used for regular and unannounced inspections. The inspectors submit their reports to the Director and their written comments are then forwarded to the officer in charge.

According to article 13, paragraph 10, of the Act, the duties of prison inspectors include making regular inspections to verify compliance with security, health and hygiene standards in the institution.

According to Act No. 26 of 2005, establishing the Human Rights Department at the Ministry of the Interior, the Department is responsible inter alia for organizing visits to penitentiaries and detention facilities in security departments in order to verify compliance with the laws and regulations in effect in Qatar and to guard against human rights violations. It is required to submit regular reports on these visits to the Minister.

To this end, the Human Rights Department at the Ministry of the Interior has conducted visits to the following penitentiaries and detention facilities:

- The Department of Penal and Correctional Institutions, September 2006
- The Investigation and Follow-Up Department, November 2006
- The Department of Penal and Correctional Institutions (visit by social workers from the Department in April 2007)
- Capital Security Department, January 2008
- Riyan Security Department, May 2008
- Northern Security Department, February 2009
- Al-Ab`ad Detention Facility, Investigation and Follow-Up Department, January 2009
- Investigation and Follow-Up Department, in coordination with the National Human Rights Committee, August 2009
- Penal and Correctional Institutions, December 2009

These unannounced visits are a mechanism for uncovering violations and ensuring, among other things, that prisoners and detainees are not subjected to torture or humiliating and degrading treatment in penal and correctional institutions, isolation cells and detention facilities run by security departments. No cases of torture or humiliating or degrading treatment have been identified during such visits.

By Minister of State for Internal Affairs Decision No. 46 of 2008, a standing committee was established to hear cases in which detainees are held in isolation cells. The committee was given full powers to investigate and deal with those cases. It meets at least once a month and includes the National Human Rights Committee among its members. Hence, the National Human Rights Committee is able continuously to monitor the implementation of the Convention as it applies to detainees in isolation cells.

By Act No. 26 of 2005, the Department was tasked with receiving, reviewing and investigating complaints submitted to the Ministry of the Interior by individuals or through the National Human Rights Committee. It looks into the background to the complaints and makes recommendations to the Minister. Receiving complaints from prisoners is one of the mandated activities of the Human Rights Department.

The number of complaints and petitions filed with the Department in 2008 was 609, of which 97 are still being processed, 329 were put on file and 183 were resolved.

Some organizations arrange regular visits to penal institutions in order to check up on conditions for inmates. In 2008, the National Human Rights Committee conducted visits to the following detention facilities and penal institutions:

- Capital Security Department, August 2008
- Investigation and Follow-Up Department, September 2008
- Department of Penal and Correctional Facilities, December 2008

According to article 2, paragraph 3, of Decree-Law No. 38 of 2002, establishing the National Human Rights Committee, the Committee has the power to investigate infringements of human rights and freedoms. It can receive prisoners' complaints and suggest ways of dealing with them.

In May and October 1999 and January 2001, the International Committee of the Red Cross (ICRC) organized visits to prisons and detention facilities in Qatar. Moreover, the United Nations Special Rapporteur on trafficking in persons, especially in women and children, undertook a mission to Qatar in November 2006. She expressed appreciation to the Government of Qatar for its transparency, openness and cooperation during her mission and commended it for allowing her to visit all the institutions and organizations that she had asked to see. She furthermore praised the State for the positive steps that it had taken in developing legislation and institutions to combat human trafficking. The ICRC regional delegation for the Arabian Peninsula visited penal and correctional facilities in May 2010; no cases of torture or humiliating or degrading treatment were uncovered.

Article 12

The institutions responsible for investigating cases of torture include the Office of the Public Prosecutor. Under Act No. 10 of 2002, the Office has the power to investigate all criminal offences, including torture.

Article 13

As for the remedies available to any person who claims to be a victim of torture or cruel, inhuman or degrading treatment or punishment, according to the Permanent Constitution and the laws of Qatar, any person who claims that his or her constitutional or legal rights have been infringed can refer the matter to the courts. This is spelled out in article 135 of the Constitution, which states: "The right of legal recourse is guaranteed to all. The law shall specify the procedures and conditions for exercising this right."

The Code of Criminal Procedure No. 23 of 2004 lays down the procedures and conditions for bringing prosecutions and affords parties at law full legal guarantees. Remedies are provided for under the Code of Civil Procedure and administrative laws.

In addition, there are a number of institutions with which complaints may be lodged. Act No. 26 of 2005, establishing the Human Rights Department at the Ministry of the Interior, states that the Department is competent inter alia for receiving and investigating complaints submitted to the Ministry of the Interior by individuals or through the National Human Rights Committee and for conducting inquiries into the background to the complaint and submitting recommendations thereon to the Minister.

As stated above, article 2, paragraph 3, of Decree-Law No. 38 of 2002, establishing the National Human Rights Committee, authorizes the Committee to consider human rights violations and recommend ways of dealing with them and preventing them from recurring.

Article 14

Several institutions offer their services to victims of ill-treatment and violence. These include, but are not limited to, *Dar al-Aman*, which was established by the Qatari Foundation for the Protection of Women and Children to offer shelter and psychosocial rehabilitation services to children and women who are victims of abuse and violence. Between October 2007 and April 2009, the Foundation housed 105 persons at *Dar al-Aman*, 54 children and 51 women. In addition, the Foundation took the initiative of setting up its own bureau in the Accident and Emergency Department at Hamad General Hospital to provide assistance, care and protection to women and child victims of abuse and violence who use the hospital's services. The bureau received 17 children and 180 women in 2008. The Qatari Home for Shelter and Humanitarian Care, which is run by the Qatari Foundation for Combating Human Trafficking, was established in 2003 by a decision of the Council of Ministers to provide assistance and protection to victims of trafficking and to help with their rehabilitation and social reintegration. The services offered by the Home include: accommodation for victims of human trafficking, especially children and women; education for victims about their rights; counselling; medical, psychological, educational and subsistence support for residents at the Home; leisure and recreational programmes for trafficking victims; follow-up with the authorities on matters relating to victims' cases and rights; rehabilitation and social reintegration services; and health and psychological aftercare for victims who have left the Home.

Victims are received either after being referred by governmental or civil society institutions or after turning to the Foundation in person. There are also emergency referrals, and victims are directed towards the relevant institution after being given legal advice. The Foundation receives complaints via two hotlines. Two interpreters are on hand to assist and there are trained psychologists, social workers, rehabilitation specialists and nurses available all around the clock.

Attention may furthermore be drawn to the services provided by the Hamad Medical Foundation, which has a large and well-equipped department offering rehabilitation assistance. The department's services are available free of charge to all patients — including torture victims — without any distinction between Qatari nationals and resident aliens. The Supreme Health Council carries out its work in the framework of a comprehensive strategy designed to review health legislation in order to bring it into line with international human rights norms, including the right not to be subjected to torture or degrading treatment, and to establish a separate mechanism providing for the rehabilitation of torture victims.

As for compensation for torture victims, under the laws in force, every person who is injured or acquires a disability as a result of being tortured can refer the case to a technical committee to assess the gravity of the injury sustained. The amount of compensation will be assessed in accordance with the law. In this connection, reference is made to article 19 of the Code of Criminal Procedure No. 23 of 2004, which states: "Any person who suffers direct harm as a result of an offence may sue for damages during the investigation stage or before the court hearing the criminal case, as applicable." Article 199 of the Civil Code No. 22 of 2004 states: "Any person who commits an act that causes damage to another person shall be required to provide compensation in respect of that act."

Article 15

Qatari legislation explicitly states that no reliance may be placed in statements proven to have been obtained as a result of torture or of the use of coercion or threats. Article 232 of the Code of Criminal Procedure states that confessions extracted from accused persons under torture shall be deemed null and void. The article provides:

"The judge shall issue a ruling in the case based on the conviction that he has arrived at in full freedom. He may not however, base his ruling on any evidence that was not presented in court or that was obtained illegally. No reliance shall be placed in any statement proven to have been obtained from a defendant or a witness by means of force or the use of threats."

Qatari legislation criminalizes and punishes the use of torture to extract a confession to an offence. Article 159 of the Qatari Criminal Code states: "A term of up to 5 years' imprisonment shall be imposed on any public official who uses or orders the use of force or threats against an accused person, a witness or an expert in order to extract a confession to an offence or statements or information in connection therewith or in order to conceal an offence. If as a result of the act, the victim sustains an injury or a permanent disability, the perpetrator shall receive a penalty of up to 10 years' imprisonment. If the victim dies as a result of the act, the perpetrator shall be subject to a penalty of death or life imprisonment."

Article 16

As stated in the comments on articles 1 and 4 of the Convention, the Constitution and laws of Qatar do not neglect cases in which injury and pain is inflicted that could amount to torture; the infliction of cruel, inhuman or degrading treatment is defined as a criminal offence.

Part III

Follow-up on the concluding observations and recommendations of the Committee against Torture

After considering and discussing the State's initial report on 9 and 10 May 2006, the Committee against Torture issued its concluding observations and recommendations, expressing appreciation for several positive steps taken by the State in the legislative and institutional domains to implement the Convention against Torture. The Committee also drew attention to some subjects of concern and made recommendations thereon. This part of the report explains how the State has followed up on the Committee's concluding observations and recommendations in connection with the initial report.

Re-examine the reservation with a view to withdrawing it

When Qatar acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it entered a number of reservations, stating that it would not accept:

- “(a) Any interpretation of the provisions of the Convention that is incompatible with the precepts of Islamic law and the Islamic religion; and
- (b) The competence of the Committee as indicated in articles 21 and 22 of the Convention.”

The Committee against Torture recommended that the State should re-examine its reservations with a view to withdrawing them. In response to that recommendation, a national committee established by a decision of the Council of Ministers reviewed the recommendation and submitted a memorandum to the Council of Ministers in which the following suggestions on follow-up action to be taken were made:

1. Withdraw the procedural reservation concerning the competence of the Committee as indicated in articles 21 and 22 of the Convention.
2. Partially withdraw the general reservation, by making it clear that the reservation remains limited in scope and applies only to articles 1 and 16 of the Convention. These matters are still being considered by the Council of Ministers.

In recent years, the State has launched a strategic policy on revising general reservations. Consistent with the strategy, the State withdrew its general reservation to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and partially withdrew its general reservation in respect of any provisions of the Convention on the Rights of the Child that may conflict with the sharia: the new reservation applies only to articles 2 and 14 of the Convention. The State decided to relinquish the general reservations option completely when it acceded to the Convention on the Elimination of All Forms of Discrimination against Women, to enter reservations only to specific provisions, and to provide, in addition, a statement explaining its reasons.

Adoption of a comprehensive definition of torture

The Committee against Torture recommended that the State should adopt a comprehensive definition of torture consistent with article 1 of the Convention, including the different purposes set forth therein, and should ensure that all acts of torture are offences under criminal law. In answer to the Committee’s recommendation, reference was made above, in the comment on article 1 of the Convention, to the amendment made to the Criminal Code by Act No. 8 of 2010, article 159 of which provides a definition of torture that is consistent with article 1 of the Convention against Torture.

Adoption of effective measures to ensure the independence of the judiciary

The Qatari Constitution recognizes the independence of the judiciary. Article 120 of the Constitution states: “The judiciary has independent authority, which is exercised through the courts of different kinds and different levels.” Article 131 provides: “Judges are independent. In making their decisions, they are subject to no authority other than the law. No party may interfere in court cases or in the course of justice.” The principle of the independence of the judiciary is also recognized in the Judicial Authority Act No. 10 of

2003. Article 2 of the Act states: “Judges are independent and may not be removed from office, except in accordance with this Act. There shall be no encroachment on the independence of judges nor shall there be any interference in matters of justice.” All judges are selected and appointed by the Supreme Council of the Judiciary in accordance with internationally recognized norms. The Amir approves these appointments. In pursuance of the State’s objectives on the empowerment of women, the first woman was appointed to the judicial ranks in April 2010.

The appointments process does not adversely affect the independence of the judiciary; the principle of judicial independence is written into the Constitution, which states that there can be no interference in court cases or in the course of justice, while, according to article 2 of the Judicial Authority Act, there can be no encroachment on the independence of the judiciary or interference in matters of justice.

The independence of the judiciary was strengthened by Act No. 7 of 2007, concerning the adjudication of administrative disputes. Under the Act, abuse of authority constitutes grounds for revoking a decision or claiming compensation in respect thereof. According to Act No. 12 of 2008, establishing the Supreme Constitutional Court, the Court is an independent body comprised of independent members, who cannot be removed from their posts. The Court hears cases involving disputes over the constitutionality of laws and regulations. It does this on its own initiative or at the request of the parties concerned. Its judgements and rulings are final and are not open to appeal; they are binding on all the State powers and on all persons.

Ensuring that the Convention and the different forms of protection it provides are applicable to all acts that are in violation of the Convention and that all persons are entitled, in equal measure and without discrimination, to the rights contained therein

Article 68 of the Constitution explicitly states that treaties and conventions acquire the force of law once ratified and published in the Official Gazette. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified pursuant to Decree No. 27 of 2001. Consequently, it is applicable in Qatar, where it carries the force of law. There is nothing to stop the courts from applying the Convention. Articles 34 and 35 of the Convention guarantee equality of legal rights and duties for all without any discrimination on grounds of sex, origin, language or religion. In addition, the right of legal recourse is guaranteed under article 135 of the Constitution. The protection for equality before the law afforded by the Constitution was further strengthened with the enactment of legislation regulating the right of all to legal remedies without any discrimination. In this connection, reference is made to the following laws:

1. The Code of Civil and Commercial Pleadings, issued in Act No. 13 of 1990.
2. The Code of Criminal Procedure, issued in Act No. 23 of 2004.
3. Act No. 7 of 2007, concerning the adjudication of administrative disputes.
4. Act No. 12 of 2008, establishing the Supreme Constitutional Court.

Ensuring that the activities of the National Human Rights Committee are brought into full compliance with principles governing national human rights institutions (the Paris Principles), including with regard to its independence

The National Human Rights Committee was established pursuant to Act No. 38 of 2002, by which it was assigned a number of functions as defined in the Paris Principles. Given the newness of the human rights machinery and of civil society at the time, the National Committee was formed, under article 3 of the Act, with seven members from governmental bodies and five from civil society. It should be noted that Act No. 38 of 2002 was amended by Decree-Law No. 25 of 2006 to ensure compliance with the Paris Principles; the Committee now includes no less than seven members of civil society and five representatives from governmental bodies, who do not have voting rights. The National Human Rights Committee was given accreditation status "A" by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The Act establishing the National Committee was amended by Decree-Law No. 17 of 2010. Further to that amendment, the National Human Rights Committee was given legal personality and a separate budget. The Committee enjoys full independence in pursuing its human rights work.

Ensuring in law that persons detained or in custody have access to a lawyer and the means to notify a relative

Articles 40 and 113 of the Code of Criminal Procedure ensure those placed under arrest have the right to contact a lawyer from the very outset. Article 65 of the Code allows for a lawyer to be made available to the accused throughout the investigation process. The article provides: "The accused, his or her lawyer, the victim and the plaintiff may all be kept apprised of the progress of the investigation. A member of the Office of the Public Prosecutor shall notify them of when and where the investigation is to be conducted and may conduct the investigation in their absence, if he or she deems it necessary or there is an urgent need to establish the facts. As soon as the need or urgency has been addressed, they shall be apprised of the state of affairs."

Article 101 of the Code provides: "Where a serious offence has been committed but the perpetrator has not been caught in flagrante delicto, or where a case is deemed an urgent matter, the member of the Office of the Public Prosecutor shall not question the accused or other accused persons or witnesses without first summoning their lawyer, if they have one."

The right of persons under arrest to communicate with their relatives is guaranteed under articles 40 and 113 of the Code of Criminal Procedure.

Act No. 3 of 1995, regulating prisons, guarantees prisoners the right to correspond with their friends and to receive visitors.

The procedures currently in effect in Qatar do not allow persons under arrest the right to choose a doctor when they need medical attention. The practice is for the authorities to refer the patient to a public hospital in Qatar. The doctor dealing with the case will conduct tests based on his or her diagnosis of the patient's condition. However, the patient has the right to object to the choice of physician and to ask for another doctor without naming one himself or herself.

The penalties of stoning, amputation and flogging

According to article 1 of the Criminal Code, these penalties apply only to *hudud* offences.¹ In practice, however, they are not used. There is no mention of the penalty of flogging in Act No. 3 of 2009, regulating penal and correctional institutions. Unlike the previous law (Act No. 3 of 1995, regulating penal and correctional institutions), the new Act (No. 3 of 2009) makes no provision for the use of flogging as a disciplinary sanction. The code of conduct for schools furthermore prohibits the use of corporal punishment.

Some parts of the Code of Criminal Procedure and the Criminal Code have been amended to allow for the use of community work as a penalty that may be applied under a given set of rules and conditions instead of the normal penalties (imprisonment and a fine).

¹ Translator's note: Certain serious offences that carry fixed penalties under Islamic law.