



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

Distr.: General  
16 February 2011

Original: English

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**Committee against Torture**

**Forty-fifth session**

1-19 November 2010

**List of issues prior to the submission of the second periodic report  
of Qatar (CAT/C/QAT/2)\***

**Specific information on the implementation of articles 1 to 16  
of the Convention, including with regard to the Committee's  
previous recommendations**

**Articles 1 and 4**

1. Further to the recommendation of the Committee in its previous concluding observations (para. 10)<sup>1</sup>, please provide information on measures taken by the State party to adopt a definition of torture in domestic penal law fully consistent with article 1 of the Convention and to ensure that all acts of torture are offences under criminal law with appropriate penalties taking into account the grave nature of such acts.

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\* The present list of issues was adopted by the Committee at its forty-fifth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute the next periodic report under article 19 of the Convention.

<sup>1</sup> Paragraph numbers refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/QAT/CO/1.

**Article 2<sup>2</sup>**

2. Please provide detailed information on the number of persons detained under emergency laws, including the 2004 Anti-terrorism Law, the Counter Terrorism Law and the Law on the Protection of Society, and the average length of their detention. Please provide detailed information on whether the State party guarantees measures to challenge the lawfulness or length of detention. Also, what is the role of the National Human Rights Committee in this regard?<sup>3</sup>

3. Please provide updated information on the legal safeguards and other measures taken to guarantee that a person under arrest is immediately informed of his/her right to consult with counsel and to receive independent and free legal aid when he/she cannot afford private counsel. Please provide information on the rights of detained persons to obtain prompt access to independent medical assistance and to notify a relative. Please also indicate whether a statement of detainee rights is available at all places of detention for consultation by detainees.<sup>4</sup>

4. Please provide information on measures taken by the State party to prevent derogation from the Code of Criminal Procedure which stipulates the maximum length of pretrial detention of 48 hours.<sup>5</sup> Please provide information on whether detention is validated by a judge and on judicial mechanisms in place which allow detainees to challenge their detention.<sup>6</sup> Please also provide information on the measures taken to strengthen the fundamental judicial guarantees in the State party.

5. Please provide information on measures taken by the State party to register all persons it detains under its jurisdiction by documenting the identity of the detainee, the date, time and place of the detention, the identity of the authority that detained the person, the ground for the detention, the date and time of admission to the detention facility and the state of health of the detainee upon admission and any changes thereto, the time and place of interrogations, with the names of all interrogators present, as well as the date and time of release or transfer to another detention facility.

6. Please provide detailed information on the penalties imposed as criminal sanctions and the number of cases involved for the crimes of theft, robbery, adultery, slander, drinking alcohol or apostasy, as stated in paragraph 16 of CAT/C/QAT/CO/1/Add.1, stating that Qatar's Criminal Code authorizes the application of sanctions "where the accused or the victim is a Muslim". Also, please provide detailed information on the review process of the provisions of the Criminal Code which prescribe flogging and stoning as criminal sanctions.<sup>7</sup>

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<sup>2</sup> The issues raised under article 2 could imply also different articles of the Convention, including, but not limited to, article 16. As general comment No. 2, paragraph 3, states "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture.... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further Chapter V of the same general comment.

<sup>3</sup> Follow-up letter of 7 May 2010

<sup>4</sup> A/HRC/WG.6/7/QAT/2, paras. 23-24. See also, A/HRC/WG.6/7/QAT/3, para. 20.

<sup>5</sup> A/HRC/WG.6/7/QAT/3., paras. 19-21. See also, A/HRC/WG.6/7/QAT/2, para. 46.

<sup>6</sup> A/HRC/WG.6/7/QAT/3, para. 22.

<sup>7</sup> Follow-up letter of 7 May 2010.

7. Further to the recommendation of the Committee in its previous concluding observations (para. 17), what efforts have been made to ensure that the activities of the National Human Rights Committee are brought into full compliance with the Paris Principles, including with regard to its independence?<sup>8</sup> Please provide information on the mandate and financial resources of the National Human Rights Committee how its members are appointed.

8. Further to the recommendation of the Committee in ITS previous concluding observations (para. 22), has the State party introduced measures to prevent and punish violence against women, including fair standards of proof?<sup>9</sup> Please provide information on measures taken by the State party to repeal all provisions which criminalize, including with the death penalty, sexual activity between consenting adults.<sup>10</sup> Please also provide information on the reason why the State party did not accept the universal periodic review's recommendations regarding the withdrawal of the State's reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

9. Please provide information on the implementation of the Amiri Decree No. 23 of 2002 in combating domestic violence and child abuse. Please provide statistical data on the number of complaints received and investigated during the reporting period, as well as the number of prosecutions and convictions.

10. Please also provide statistical data concerning the prevalence of violence against women in the State party, including on domestic violence, trafficking of women and girls, and violence against female migrant workers. Do women need their guardian's permission to file criminal complaints, even if these are directed against their guardian? Please also indicate whether the State party has initiated any awareness-raising programmes regarding domestic violence.

11. According to the information before the committee, women victims of violence, and in particular of domestic violence, encounter serious difficulties in filing complaints to the police in the State party. Please provide updated information on measures taken to adequately prevent, combat and punish violence against women and children, including domestic violence. In this respect, please indicate if such violence is criminalized under the legislation of the State party.

12. Please provide information on the implementation of Law No. 14/2004 of the Criminal Code of 2004 which made criminal offences of various acts that amount to trafficking in human beings. Please provide statistical data on the extent of trafficking and exploitation of prostitution in the country, the number of complaints received and investigated during the reporting period, as well as the number of prosecutions and convictions.<sup>11</sup>

13. What measures have been taken by the State party to raise the minimum age of criminal responsibility from 7 years of age to an internationally acceptable level?

14. Please provide information on any measure taken by the State party to:

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<sup>8</sup> Conclusions and recommendations of the Committee against Torture (CAT/C/QAT/CO/1), para. 17.

<sup>9</sup> Ibid., para. 22.

<sup>10</sup> A/HRC/WG.6/7/QAT/3, paras. 33-34.

<sup>11</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23/Add.2), para. 49.

- (a) Examine data on trafficking of women and children and ensure that all data are used for the formulation, monitoring and evaluation of policies, programmes and projects;
- (b) Strengthen its procedures for the early identification of child victims of trafficking;
- (c) Seek to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale, trafficking and abduction of children;<sup>12</sup>
- (d) Take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children;
- (e) Create a juvenile justice system;
- (f) Ensure that child victims of sexual exploitation are not criminalized or penalized for such acts.<sup>13</sup>
- (g) Provide data on the number of complaints received and investigated during the reporting period, as well as the number of prosecutions and convictions.

15. Further to the recommendation of the Committee in its previous concluding observations (para. 14), please provide information on measures taken by the State party to ensure that the Convention and its protections are applicable to all acts that are in violation of the Convention and that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein.<sup>14</sup>

### Article 3

16. Further to the recommendation of the Committee in the previous concluding observations (para. 13), please provide detailed information on measures taken to respect the absolute prohibition to expel, return or extradite a person to another State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture and to fully incorporate the provisions of article 3 into the State party's domestic law.<sup>15</sup>

17. Has the State party relied on diplomatic assurances? If so, please indicate what measures have been taken to ensure that they conform to the State party's obligations under article 3. Please provide detailed information on what the State party's requirements are for such assurances and whether there are post-return monitoring mechanisms. Also, please provide information on the number of detainees who have been rendered to other countries, including the list of countries to which they have been rendered.

18. Please provide data, disaggregated by age, sex and nationality on:

- (a) The number of asylum requests registered and approved;
- (b) The number of asylum-seekers whose requests were granted because they had been tortured or might be tortured if they were returned to their country of origin;

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<sup>12</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/QAT/CO/2), para. 67.

<sup>13</sup> A/HRC/WG.6/7/QAT/2, para. 28.

<sup>14</sup> CAT/C/QAT/CO/1, para. 14.

<sup>15</sup> Ibid., para. 13.

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(c) The number of forcible deportations or expulsions (please indicate how many of them involved rejected asylum-seekers), and the countries to which these persons were expelled.

### **Articles 5 and 7**

19. Please provide detailed information on how the State party has exercised its jurisdiction over cases of torture referred to in articles 4 and 5 of the Convention.

### **Article 10**

20. Please provide information on training and awareness-raising programmes for public officials about the absolute prohibition of torture, including any such programmes provided to medical personnel engaged in rehabilitation in accordance with the Convention and the Istanbul Protocol of 1999 (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). Also, please provide information on the State party's Plan of Action for the World Programme for Human Rights Education.<sup>16</sup> Please provide information on who has participated in such training programmes, how many persons have been trained, what are the outcomes of such trainings and how they are evaluated?

21. Please provide information on the training for police in handling cases of domestic and sexual violence, including how many officers have undergone such training, the results of this training and how it is evaluated. Please provide updated information on specific training and sensitization programmes developed by the State party for law enforcement personnel on human trafficking as well as on the outcome of these programmes.

### **Article 11**

22. Please provide the Committee with all the interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment with a view to preventing any cases of torture currently applicable in the State party. Please also provide information as to how the implementation of these rules is monitored, in particular by what institution. Does the State party provide law enforcement officials with manuals on interrogation techniques?

23. Please provide information on the steps taken to improve the conditions of all places of detention and imprisonment and to ensure the segregation of male and female detainees and the segregation of those convicted and those remanded in custody. Also, provide information on inter-prisoner violence, including the number of complaints, any action taken by the State and the result of such action. Also, please provide statistical data on the number of prisoners in prison facilities as well as the degree to which the number of prisoners in each facility exceeds design capacities.

### **Articles 12 and 13**

24. Please provide detailed information on the measures taken to ensure the protection of migrant workers from violence and trafficking, in particular female domestic workers,

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<sup>16</sup> Follow-up letter of 7 May 2010.

including measures that facilitate their ability to lodge complaints, such as those to alleviate the cost of going to court or language barriers. Also, please provide updated data on the number of complaints of ill-treatment of migrant workers that have been made, how many were investigated, how long the investigations took and the outcomes of the investigations.<sup>17</sup>

25. Further to the recommendation of the Committee in its previous concluding observations (para. 11), please provide information on any measure taken by the State party to fully ensure the independence of the judiciary in accordance with the Basic Principles on the Independence of the Judiciary (General Assembly resolution 40/146) and to ensure that female judges may serve and address the same jurisdictions as male judges.<sup>18</sup>

26. Further to the recommendation of the Committee in its previous concluding observations (para. 19), please provide detailed statistical data, disaggregated by crimes, nationality, age and gender, on complaints relating to torture and ill-treatment and on any related investigations, prosecutions, penal and disciplinary sanctions, as well as information on the compensation and rehabilitation provided to victims.

#### **Article 14**

27. Further to the recommendation of the Committee in its previous concluding observations (para. 18), what has been done by the State party to ensure that all persons who have been victims of acts of torture are provided with fair and adequate compensation, including the means for a full rehabilitation?<sup>19</sup> Are migrant workers and persons subjected to trafficking in persons included in programmes of compensation? Please include the number of requests filed, the number granted, and the amounts of compensation ordered and those actually provided in each case.

#### **Article 15**

28. Please provide information on measures taken to ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.<sup>20</sup>

#### **Article 16**

29. Further to recommendation of the Committee in its previous concluding observations (para. 21), has the State party taken immediate measures to guarantee respect for the human rights of all persons during any body searches, and ensure that such searches are conducted in full compliance with international standards, including the Convention?<sup>21</sup>

30. What measures have been taken by the State party to critically review its current legislation with a view to prevent and end the use of corporal punishment of children as a method of discipline and to introduce explicit legislation prohibiting all forms of corporal

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<sup>17</sup> Ibid.

<sup>18</sup> CAT/C/QAT/CO/1, para. 11.

<sup>19</sup> Ibid., para. 18.

<sup>20</sup> A/HRC/WG.6/7/QAT/3, para. 10.

<sup>21</sup> CAT/C/QAT/CO/1, para. 21.

punishment of children in all settings, including in the family, schools, penal system and alternative care settings?<sup>22</sup>

31. Please provide detailed information on measures taken to protect domestic workers, normally foreigners, from violence and ill-treatment and to ensure access to justice.
32. Please provide information on the measures taken to end the discriminatory use of deprivation of Qatari nationality as a means of penalizing suspected political opponents.
33. Please provide information on the measures taken to abolish the Kafil system and to avoid the withdrawal of passports of migrant workers. Please also provide information on the measures taken to protect expatriated as well as domestic workers and to combat sexual violence and discrimination against migrant women.
34. Please provide information on the measures taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to abolish the patronage system.

### **Other Issues**

35. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.
36. Please provide information on steps taken to become a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. Please also indicate what steps have been taken by the State party to accept the competence of the Committee under articles 21 and 22 of the Convention and to consider re-examining its reservation with a view to withdrawing it.<sup>23</sup>
37. Please provide information on what crimes receive the death penalty, the number of people who have been executed and the number of people on death row. Have any steps been taken to abolish capital punishment in the State party's internal legislation? Does the State party intend to establish a moratorium on the death penalty?

### **General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

38. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the

<sup>22</sup> CRC/C/QAT//CO/2, para. 40.

<sup>23</sup> CAT/C/QAT/CO/1, para. 9.

national level, that have occurred since the initial report, including any relevant jurisprudential decisions.

39. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the initial report, including on any national human rights plans or programmes, and the resources allocated to it, their means, objectives and results.

40. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the initial report in 2006, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.

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