



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

Distr.: General
16 January 2023
English
Original: Arabic
Arabic, English, French and
Spanish only

Committee against Torture

**Fourth periodic report submitted by Qatar under article 19
of the Convention pursuant to the simplified reporting
procedure, due in 2022***

[Date received: 20 September 2022]

* The present document is being issued without formal editing.



Report of the Ministry of Education of the State of Qatar on the Code of Ethics for Educators and Teachers, which proscribes the use of violence against students

Specific information on the implementation of Articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations.

Response to issues identified for follow-up in the preceding concluding observations

1. In its previous concluding observations (para. 49), the Committee requested the State party to provide information on follow-up to the Committee’s recommendations on fundamental legal safeguards; prompt, thorough and impartial investigations; and asylum and non-refoulement (paras. 14, 24 and 38). Noting that a reply concerning the information sought by the Committee was provided on 14 October 2019, and with reference to the letter dated 18 December 2019 from the Rapporteur for follow-up to concluding observations to the State party, the Committee considers that the recommendation on fundamental legal safeguards (para. 14) has not been implemented and that the recommendation on asylum and non-refoulement (para. 38) has been only partially implemented. The follow-up information provided with regard to the recommendation on prompt, thorough and impartial investigations (para. 24) is considered insufficient to assess implementation.

Fundamental legal safeguards

Commentary

The Constitution, the Code of Criminal Procedure, the Public Prosecution Act and other relevant legislative instruments provide for an integrated system of legal safeguards for detainees (persons held in pretrial detention), which enhance access to their rights throughout all stages of criminal proceedings. The safeguards are as follows:

- An arrest warrant must be issued by the competent investigative authority, namely the Office of the Public Prosecutor, which is an effective, independent and discerning judicial body (art. 1 of the Public Prosecution Act).
- Detention is permissible only in certain cases (art. 110 of the Code of Criminal Procedure).
- There are specific limits on the duration and extension of pretrial detention (art. 117 of the Code of Criminal Procedure).
- Persons held in pretrial detention have the right to seek provisional release, either with or without bail (art. 119 of the Code of Criminal Procedure).
- Public prosecutors are authorized to enter places of detention in order to ensure that no persons are being held illegally. They may examine records and arrest and detention warrants, take copies thereof, communicate with any detainee and listen to any complaints. Public prosecutors must be provided with the assistance needed to obtain the information they request (art. 395 of the Code of Criminal Procedure).
- All persons held in a detention facility have the right to submit a written or oral complaint, at any time, to the manager of the facility and to request the manager to make a record of it in a register prepared for this purpose and then report it to the Office of the Public Prosecutor (art. 396 (1) of the Code of Criminal Procedure).
- Anyone who is aware of a person or persons being held in unlawful detention or in a place that is not designated for the purpose of detention must report the matter to members of the Office of the Public Prosecutor (art. 396 (2) of the Code of Criminal Procedure).
- With regard to the medical examination of pretrial detainees, health care is provided to pretrial detainees as needed, either at the beginning of or during the period of pretrial detention. To this end, the Medical Services Department within the Ministry of the Interior has appointed a doctor to make periodic visits to the places of detention

managed by the security services in order to provide those detained in such facilities with the health care and medical examinations they need and to refer those requiring further treatment to health centres or hospitals.

- With regard to allowing detainees to communicate with family members, lawyers and independent doctors, article 113 of the Code of Criminal Procedure stipulates that: “All persons who are arrested or placed in pretrial detention shall be immediately informed of the reasons for their arrest or detention and of the charges against them and shall have the right to contact a person of their choosing and to seek the assistance of a lawyer.” It should be noted that the wording “and shall have the right to contact a person of their choosing” applies in the fullest sense, meaning that detainees may contact their family, their lawyer, their private doctor, the consular representative of their country or any person they deem necessary to contact.
- With regard to the effective monitoring of the extent to which the authorities respect these safeguards, and in addition to the aforementioned monitoring of detention facilities undertaken by the Office of the Public Prosecutor, detention facilities are also subject to independent governmental monitoring carried out by the National Human Rights Committee and the Human Rights Department of the Ministry of the Interior. This takes the form of unannounced visits to detention facilities by qualified inspection teams that are trained for that purpose. The visits aim to ascertain the extent to which the human rights situation for pretrial detainees is consistent with national and international legal standards and to take note of any possible violations, including torture and ill-treatment.
- With regard to ensuring that the detention of pretrial detainees is recorded, the following registers are kept:
 - A general register, in which arrest and detention warrants are recorded indicating the names of detainees, the charges against them, the arrest or detention warrants, the duration of their detention, the date the detainees enter the detention facility, the date of the end of their detention and information relating to the transfer of detainees from the detention facility in order for them to appear before the Office of the Public Prosecutor, in court or before other authorities.
 - A stored property register, which records the stored belongings of detainees that shall be returned to them upon their release.
 - A medical register, detailing the medical services and treatments provided to detainees.
 - A register for complaints made by detainees to the administrators at the detention facility.

Prompt, thorough and impartial investigations

Commentary

Torture and ill-treatment fall under the definition of abuse of authority. The Military Service Act No. 31 of 2006 prohibits abuse of authority by military personnel (art. 72 (16)). It also sets out the disciplinary, criminal and civil liability of military personnel found to have committed such an offence (art. 73): “Where military officials fail to perform their duties, or commit any of the prohibited actions envisaged in the present Act, or overstep the limits of their duties, or comport themselves in a manner harmful to the honour of the military, they shall be liable to disciplinary action without prejudice to the institution of civil or criminal proceedings against them, as necessary.”

Legal liability resulting from abuse of authority by a police officer can lead to disciplinary penalties, and it is logical and normal that the abuse should be investigated and the penalties imposed by the institution in which the individual works because it is the institution’s reputation and honour that have suffered damage as a result of the individual’s actions. This is in accordance with Decree No. 7 of 2006 of the Minister of the Interior, which determined that the Department of Legal Affairs is to be responsible for conducting investigations of military personnel, civil servants and other employees of the Ministry

(art. 1). It is also in accordance with Decree No. 8 of 2006 of the Minister of the Interior, which established the Preliminary Disciplinary Board as the entity responsible for disciplining the aforementioned groups (art.1) following legal proceedings undertaken before it by the Legal Affairs Department (art. 2) when any abuse of authority, including torture or ill-treatment, is committed by military personnel.

Such preliminary disciplinary proceedings and their outcomes do not prevent victims from pursuing criminal proceedings against perpetrators, under the Criminal Code, as well as civil claims for compensation for the damages suffered, under the Civil Code. The civil and criminal courts conduct such proceedings in an impartial, independent and public manner, in accordance with articles 129, 130 and 133 of the Constitution.

Asylum and non-refoulement

Commentary

The Permanent Constitution of the State of Qatar upholds the principle of non-refoulement, with article 58 stipulating that “the extradition of political refugees is prohibited”. This is complemented and reaffirmed in article 1 of Act No. 11 of 2018 regulating political asylum, which defines a political refugee as follows: “Any persons outside their country of nationality or, if stateless, outside their country of habitual residence, if they cannot and do not wish to return to that country due to a justified fear that they would be at risk of being sentenced to death or subjected to corporal punishment, torture or brutal or degrading treatment, or to persecution on the basis of their race, religion, social group or political opinions.” Similarly, article 15 of the same Act stipulates that “all forms of refoulement or extradition of political refugees to their country or to another country where they fear they would face danger or persecution are prohibited”.

Act No. 11 of regulating political asylum defines the legal position of political refugees and specifies the conditions for granting refugee status as well as the legal implications (the rights and obligations of refugees). It should be noted that the categories to be granted the right of political asylum were determined by Council of Ministers Decree No. 12 of 2019, while the rules governing the benefits and rights enjoyed by political refugees were determined under Council of Ministers Decree No. 13 of 2019.

The Office of the Public Prosecutor is the competent authority to adjudicate extradition requests, in accordance with article 413 of the Code of Criminal Procedure (Act No. 23 of 2004). It should be noted that the Code of Criminal Procedure envisages a body of safeguards and rights for persons whose extradition is sought, namely:

- Article 410:

“Extradition is inadmissible in the following cases:

- (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 concerned 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, nationality or political opinion or that any of these factors might be used to the detriment of the person concerned.
- (5) If the person whose extradition is requested has previously been tried for the same offence and definitively acquitted or convicted 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 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 requesting State.
- (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.”

- Article 414: “Persons whose extradition is requested shall be informed of the charges and evidence against them and the documents relating to the extradition request. Their statements shall be recorded, and a lawyer may be present while they are being questioned.”
- Article 419: “A person against whom an extradition order has been issued may lodge an appeal against the order.”
- Article 423: “Persons who have been extradited may not be charged, tried or punished for any offence that was committed prior to the date of their extradition – other than those for which extradition was requested and related offences – except in the following two cases:
 - (1) If the persons concerned or the country that extradited them consents.
 - (2) If the persons do not leave the territory of the State within 30 days following the end of the proceedings or the enforcement of sentence (depending upon the case), despite being able to do so.

Measures taken by the State party to address the particular needs of minors, women and persons with disabilities in detention, legislation and policies currently in force in relation to the remand of the above-mentioned groups; the use of alternative measures to conviction and imprisonment of juveniles; and measures taken to ensure that detained juveniles are separated from adults in places of detention.

Articles 1 and 4

Reply to the issues raised in paragraph 2 of the list of issues

National legislation

1. The purpose of the right to protection from torture and other cruel, inhuman or degrading treatment or punishment is to protect the dignity and physical and mental well-being of individuals. The State’s concern to promote that right is clearly evident in several pieces of legislation which show that efforts to uphold human rights principles are continuing. Qatari legislators have demonstrated their own commitment to protect this right in article 36 of the Constitution, which stipulates that “no person may be subjected to torture or degrading treatment”. Torture is a crime punishable by law, and national legislation explicitly criminalizes acts of torture and other forms of inhuman treatment, as defined in article 1 of the Convention against Torture.
2. The Criminal Code (Act No. 11 of 2004) was amended by Act No. 8 of 2010 with the addition of article 159 bis, which stipulates that any public servant or any other person acting in an official capacity who uses torture or incites, consents to or conceals the torture of any person is to be punished. The penalty is to be redoubled if the act of torture results in a lasting disability, and offenders could face the death penalty or life imprisonment if the torture leads to the death of the victim.
3. Article 159 bis of the Code also includes an explicit definition of torture that is fully in line with the definition contained in article 1 of the Convention.
4. The Act further protects this right by stipulating penalties for perpetrators of related crimes, such as the abuse of authority or the use of force, threat, injury or cruelty towards an individual by public officials during the performance of their duties.

Article 2

Reply to the issues raised in paragraph 3 of the list of issues

5. Act No. 27 of 2019 promulgating the new amended Anti-Terrorism Act and abrogating the earlier Act No. 3 of 2004 envisages several fundamental legal safeguards for individuals. These are human rights for which the State of Qatar has shown particular concern.
6. It should be noted that current domestic legislation relating to anti-terrorism and Qatar State Security is consistent with the rights enshrined in the International Covenant on Civil

and Political Rights. The Permanent Constitution safeguards public rights and freedoms and stipulates that they may be neither restricted nor derogated under the pretext of regulating or amending them; article 146 states that the provisions relating to public rights and freedoms may only be amended in order to increase the safeguards and rights afforded to citizens. The Act on the Protection of Society is considered a *sui generis* law and was introduced with the aim of protecting Qatari society and maintaining social cohesion.

Article 2 (4)

In its previous concluding observations (paras. 25–26), the Committee expressed concern at the fact that article 48 of the Criminal Code did not fulfil the obligation set forth in article 2 (3) of the Convention as it excluded the criminal responsibility of public employees executing the order of a superior that they had to obey or thought they had a duty to obey. Information was requested on the measures taken to amend this provision of the Criminal Code to ensure that an order from a superior-ranking officer may not be invoked as a justification of torture.

Reply to the issues raised in paragraph 5 of the list of issues

The fundament of the Permanent Constitution of the State of Qatar is the separation of powers, as follows:

7. Article 60 stipulates that “the system of governance is based on the separation and cooperation of powers, in the manner specified in the present Constitution”.

8. Article 61 stipulates that “legislative authority shall be vested in the Shura Council as prescribed in the present Constitution”.

9. Article 62 stipulates that “executive authority shall be vested in the Amir, and he shall be assisted by the Council of Ministers as specified in the present Constitution”.

10. Article 63 stipulates that “judicial authority shall be vested in the courts of law as prescribed in the present Constitution, and judgments of the court shall be pronounced in the name of the Amir”.

11. Act No. 10 of 2003 promulgating the Judicial Authority Act, as amended, reaffirms this principle in the following articles:

12. Article 22 stipulates that “judges are independent and may only be removed from office in accordance with the provisions of the present Act, and there may be no encroachment upon the independence of the judiciary or interference in matters of justice”.

13. Article 23 stipulates that “the Supreme Council of the Judiciary shall strive to ensure the independence of the judiciary and, in addition to the other powers specified in the present Act, shall be responsible for the following:

- Expressing its opinion on issues relating to the judiciary and studying and proposing legislation for the development of the judicial system.
- Expressing its opinion on the appointment, promotion, transfer and assignment, secondment and retirement of judges in accordance with the provisions of the present Act.”

14. Rules governing the appointment of judges, the terms of their appointment and their security of tenure – as set forth in the following articles of Act No. 10 of 2003 promulgating the Judicial Authority Act, as amended – are in conformity with international standards and the Basic Principles on the Independence of the Judiciary:

15. Article 27 stipulates that: “Persons holding judicial office must:

- Be either a Qatari citizen or a citizen of another Arab State.
- Have full legal capacity.
- Hold a degree from a recognised university in statutory or sharia law or an equivalent subject.

- Not have been convicted of any felony or misdemeanour prejudicial to honour or integrity under the terms of a final court judgement, even if rehabilitated.
 - Not have been dismissed from service under a disciplinary measure.
 - Be of good standing and reputation.
 - Be no less than 25 years of age, for appointments to a court of first instance, or 38 years, for appointments in a court of appeal.”
16. Article 33 stipulates that “the salaries and allowances of judges shall be determined by decree of the Amir, but no decree may give a personal salary arrangement or exceptional treatment to any individual judge”.
17. Article 63 stipulates that “a judge’s tenure in office shall expire in the event of their:
- Death.
 - Resignation.
 - Reaching retirement age.
 - Dismissal under a disciplinary ruling in accordance with the present Act.
 - Dismissal by the Amir for reasons of public interest.
 - Retirement or transfer to other non-judicial positions in accordance with the present Act.”
18. Article 64 stipulates that “the resignation of a judge shall be considered accepted from the date of its submission if made unconditionally and without restriction. Resignation shall not result in a judge being deprived of a pension or a bonus”.
19. Article 65, amended by Act No. 4 of 2019, stipulates that “the retirement age for judges shall be 70 years. After reaching the age of 60, a judge may request retirement. Such requests shall be accepted from the date of their submission. The Supreme Council of the Judiciary may extend the tenure of a judge beyond the age of retirement for a period not exceeding one year. Any extension of tenure beyond that shall be for a maximum of five years and must be effected by decree and at the proposal of the Council.”
20. This demonstrates that all judges, whether Qatari or foreign, are treated equally in terms of appointment, seniority, the exercise of their duties and end of tenure procedures.

Reply to the issues raised in paragraph 6 of the list of issues

21. The Ministry of Social Development and Family considers all forms of violence against women, regardless of the circumstances, as unacceptable. Violence, in fact, dismantles family structures, impedes societal cohesion and consumes precious national resources. Freedom from such violence is a fundamental right that the wise leadership of the State of Qatar has pledged to protect under the Constitution and the law.

Legislative developments

The role played by the Ministry of Social Development and Family to protect families, preserve their economic, social and political rights, and promote their education and health

22. The Ministry has adopted the most just and balanced international humanitarian laws and standards, and it has made concerted and comprehensive efforts to enable all family members to promote and respect human rights, including the rights of children, women, persons with disabilities and older persons. It has made the promotion and fulfilment of the rights of those categories, and their protection from all forms of violence, an absolute priority, including through effective integration with the authorities concerned with families, children and women.

23. Protection from all forms of violence, which are criminalized in the Criminal Code, is undertaken through a partnership between State ministries and civil society institutions, most notably: the Ministry of Social Development and Family; the Community Police

Department of the Ministry of the Interior; the Qatar Foundation for Social Action (AMAN); and offices working to combat domestic violence within the Ministry of Health.

Violence against women, including domestic violence (arts. 2, 3, 6, 7, 24 and 26)

24. The National Strategy for Families 2011–2016, which covered eight thematic areas including that of families at risk, has been adopted and implemented. A number of family cohesion projects have been rolled out with a view to lowering rates of domestic violence and providing protection and support for affected households. In order to address the consequences of domestic violence, the Strategic National Development Plan incorporated two main projects to achieve this outcome via a comprehensive system of protection against domestic violence. In addition to the work of the Family Counselling Centre, the Protection and Social Rehabilitation Centre within the Qatar Foundation for Social Action does outstanding work in this field to raise awareness around the importance of protecting women from violence.

25. In the interest of continuing this work, the Second National Development Strategy of the State of Qatar 2018–2022 set several goals for the prevention of domestic violence, the most important being “to improve outcomes of violence prevention and protection projects at a rate of 10 per cent to 30 per cent per year until 2022”. The Strategy also outlined programmes and projects to achieve this goal and identified the bodies responsible for implementing and supporting them, notably a programme to prevent and protect against violence which comprises a project to protect against violence and family disintegration, a project to support victims of violence and family disintegration, a women’s empowerment and education project and a community partnerships against violence project.

Second National Development Strategy of the State of Qatar 2018–2022

26. In relation to the strengthening of social protection for vulnerable groups, there were fewer cases of domestic violence in 2015 compared to the previous year, although the phenomenon of domestic violence had been increasing since 2008. In addition to the efforts of the Family Counselling Centre, the Protection and Social Rehabilitation Centre within the Qatar Foundation for Social Action does outstanding work in this field to raise awareness around the importance of protecting women from violence. There is an urgent need to build national capacities in the field of family and child protection and to raise awareness about the dangers and consequences of violence. There is also an urgent need to review and develop legislation and policies related to the protection of families and family members, as well as for coordination between government institutions and civil society organizations working in the field of family protection and children’s well-being.

The following challenges exist in relation to the domestic violence suffered by women and children

- The need to promote the protection of women and children from all forms of domestic violence through reviewing and developing legislation and policies related to the protection of families and family members.
- The need for trained national experts within the field of family and child protection.

Key and intermediate outcomes and targets for the social protection sector (2018–2022)

- Achieve progress in projects for the prevention of and protection from violence at an annual rate of 10 to 30 per cent per year until 2022.

As regards the Qatar Foundation for Social Action:

Measures to raise-awareness about the dangers of domestic violence for the period 2018–2020

27. The AMAN Centre aims to raise awareness and educate communities in order to prevent domestic violence and family disintegration. Key measures taken by the Centre to raise awareness among women in this regard include the following:

Awareness-raising campaigns

- Organizing the second and third women’s forums in 2018 and 2019, respectively, under the title “Supporting my community as an empowerment leader.” The forums targeted more than 900 women.
- Organizing the second and third interactive women’s meetings in 2018 and 2019, respectively, under the title “Empowered to stand up to violence”, in which more than 750 women participated.
- Organizing interactive workshops on women’s empowerment in 2018.
- Organizing a conference on cyberviolence and digital addiction in cooperation with the Behavioural Health-Care Centre in 2018.
- Launching and operating the *Shawrini* (Advise me) application, a free electronic app for smart devices that provides psychosocial counselling services and legal advice. More than 600 consultations were provided via the platform during this period.
- Preparing a multifaceted social media campaign specifically targeted at women to inform them of their rights and responsibilities and about how to protect themselves from any violence they may encounter.

Production of audiovisual and media content

- Producing 15 educational video clips, six of which were broadcast during Ramadan in 2018 and 2019, and broadcasting nine new educational films in 2019.
- Publishing 29 social media posts about women in the first quarter of 2020.

Protection measures for women

- Signing a number of memorandums of understanding in 2018 with various bodies, most notably Qatar University, Mada – Assistive Technology Centre, the Office of the Public Prosecutor, the Community Police and the Qatar Bar Association, to improve the services available to victims of violence and family disintegration.

Services for accessing support

- The 24-hour complaints hotline (919), through which complaints can be filed and assistance can be provided in cases of violence of any kind, including psychological, physical or sexual violence.
- The Foundation’s headquarters (reception services).
- The online *Shawrini* (Advise me) and *Saidni* (Help me) applications, available on mobile phones and smart devices to provide assistance to children and women.
- The Foundation’s branches within hospitals, security departments and the Office of the Public Prosecutor.
- Referral letters received from schools and other concerned authorities. More than 2,200 victims of violence and family disintegration benefited from the Foundation’s services during this period.
- Out of the more than 1,500 people victims of violence and family disintegration who benefited from the Foundation’s services – of whom 53 per cent were women and 47 per cent were children – 74 per cent received protection, empowerment and counselling services, and 26 per cent were provided with rehabilitation services.

Protection and empowerment

- Legal and psychosocial services were provided to women, to children (in age-appropriate ways) and to parents and caregivers, in order to provide the necessary protection. More than 4,200 protection and empowerment services were provided during this period.

Counselling

- Depending on the nature of the issue, the AMAN Centre helps to provide counselling services either through telephone consultations with specialists through or in-person consultations in the Foundation's own offices.
- The Centre also provides guidance and referral services to the body responsible for helping women and children to resolve problems or access appropriate services. More than 500 people have benefited from these services.

28. The AMAN Centre helps maintain family cohesion, reduce violence and treat the effects of violence by providing rehabilitation, integration and residential care services that apply the guidelines for best practice contained within the approved policy manual. The most significant achievements of the Foundation in relation to rehabilitation and prevention are:

Rehabilitation services

- Multi-focal rehabilitation services, including psychological, social and medical services, are provided to victims of violence. These services aim to rehabilitate them, empower them, modify their behaviour and reintegrate them into the community via rehabilitation sessions (in an individual, family or group setting). The sessions are carried out by an integrated multidisciplinary team using the latest therapeutic methodologies.
- A number of women have been rehabilitated thanks to vocational training that provides them with skills that enable them to find a job, thereby attaining financial independence and limiting their reliance on their partners.
- A rehabilitation programme was run for perpetrators of violence with a view to minimizing any recurrence of violence.
- Treatment and rehabilitation rooms, a room for play and drawing therapy and rooms for psychosocial assessments have been developed and equipped to meet all relevant specifications.
- More than 280 victims of domestic violence benefited from rehabilitation services during the period in question.
- More than 5,700 rehabilitation services were provided during the period in question to victims of violence and family disintegration.
- The capacity of service providers was developed through a continuous learning programme. This involves an average of two training workshops each month, as well as technical team meetings to review cases and identify potential interventions that could serve victims of violence.
- Rehabilitation services were provided to a total of 460 victims of violence and family disintegration during the period in question.

Residential care services

- Residential services are provided to women and children who are victims of violence and family disintegration, with dwellings being allocated within the residential care department according to age group and special needs. The residential environment within the shelter has been modelled on life within an ordinary household through the provision of recreational and living spaces in line with the culture and identity of the society, taking into account other cultures.
- The shelter provides for all basic, social and educational needs and delivers the rehabilitation programmes required to reintegrate individuals into society and empower them.

| <i>Report No.</i> | <i>Charge</i> | <i>Number of victims</i> | <i>Nationality of victim</i> | <i>Sex</i> | <i>Recipient</i> | <i>Current status</i> |
|-------------------|---|--------------------------|------------------------------|---------------|----------------------|--|
| 1 | 4046/2019 Trafficking in persons | 4 | Morocco/Sri Lanka | Female | Not specified | Case closed by the Office of the Public Prosecutor |
| | 3502/2019 | | Indonesia/India | | | Court verdict |
| 2 | 5569/2019 Trafficking in persons | 2 | Pakistan | Female | Not specified | Court verdict |
| 3 | 26/2020 Trafficking in persons | 1 | Bangladesh | Male | Care home (AMAN) | Court verdict |
| 4 | 14/2021 Trafficking in persons | 2 | Philippines | Female | Philippine Embassy | Case closed by the Office of the Public Prosecutor |
| | 2763/2021 Trafficking in persons | | | | | Court verdict |
| 5 | 15/2021 Trafficking in persons | 1 | Philippines | Female | Philippine Embassy | Court proceedings ongoing |
| 6 | 16/2021 Trafficking in persons | 16 | Bangladesh/Nepal | Male | Not specified | Court verdict |
| 7 | 23/2021 Trafficking in persons | 1 | Morocco | Female | Not specified | Case closed by the Office of the Public Prosecutor |
| 8 | 25/2021 Trafficking in persons | 2 | Ukraine/Egypt | Female/Male | Not specified | Case closed by the Office of the Public Prosecutor |
| 9 | 26/2021 Trafficking in persons | 4 | Morocco | Female | Not specified | Court proceedings ongoing |
| 10 | 28/2021 Trafficking in persons | 1 | Lebanon | Female | Not specified | Court proceedings ongoing |
| 11 | 5/2022 Not classified by the Office of the Public Prosecutor | 1 | Kenya | Female | One of her relatives | Case closed by the Office of the Public Prosecutor |
| 12 | 11/2022 Trafficking in persons | 6 | Uganda | Male | Not specified | Court proceedings ongoing |
| 13 | 12/2022 Not classified by the Office of the Public Prosecutor | 1 | Sri Lanka | Female | Sri Lankan Embassy | Case closed by the Office of the Public Prosecutor |
| 14 | 13/2022 Not classified by the Office of the Public Prosecutor | Not specified | Not specified | Not specified | Not specified | Court proceedings ongoing |

| <i>Report No.</i> | <i>Charge</i> | <i>Number of victims</i> | <i>Nationality of victim</i> | <i>Sex</i> | <i>Recipient</i> | <i>Current status</i> |
|-------------------|------------------------|--------------------------|------------------------------|------------|------------------|---------------------------|
| 15 | Trafficking in persons | 1 | Tunisia | Female | Not specified | Court proceedings ongoing |

- The shelter is regularly upgraded and re-equipped, and spaces have been developed for the provision of services that meet the needs of the target groups, in order to improve the standards of welfare and rehabilitation.
- In cooperation with other entities, care assistants in the shelter have undergone training to help ensure the successful outcome of treatment plans while supervisors have been involved in capacity-building programmes.
- Residential care services (shelters) were provided to more than 90 victims of domestic violence during the period in question. This represented 7 per cent of all services provided to victims of domestic violence.

Integration services

- Once the women and children have completed their rehabilitation and left the temporary shelter, they are provided with aftercare services to ensure that they continue to be protected, are reintegrated into society and are able to enjoy their rights. Aftercare and continuous follow-up are provided by the State in coordination with supporting institutions and partners.
- Work is being undertaken on a socioeconomic support programme, which aims to economically empower female victims of violence. This work is being done in cooperation with charitable organizations within the country and partners.
- Measures are in place to enable these women and their children to exercise their right to education. This right is guaranteed by the State, which seeks to meet all educational needs through cooperation with the Ministry of Education and Higher Education and charitable organizations.
- More than 270 victims of domestic violence who benefited from rehabilitation services have been rehabilitated.

Response to the issues raised in paragraphs 7 (a), (b), (c) and (d) of list of issues

29. Updated information disaggregated by victims' age, sex, ethnic origin or nationality and by the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons:

| <i>Number of complaints</i> | <i>Cases being examined by prosecutors</i> | <i>Cases filed</i> | <i>Cases brought before the court</i> | <i>Cases that have reached a verdict</i> |
|-----------------------------|--|--------------------|---------------------------------------|--|
| 15 | 4 | 5 | 2 | 4 |

(a) **The impact of the implementation of the Anti-Human Trafficking Act No. 15 of 2011, the national plan to combat trafficking in persons and any new legislation or measures that have been adopted to prevent, combat or criminalize trafficking in persons**

30. The Anti-Human Trafficking Act has had an impact in terms of educating the public, migrant workers and employers. The establishment of the National Committee for Combating Human Trafficking has played a key role in monitoring and tackling all forms of trafficking in persons in the country. The Committee works in cooperation with the relevant authorities and, specifically, receives complaints about trafficking offences via its hotline and by email. The Committee also monitors suspected trafficking offences with the help of inspectors from the Labour Inspection Department within the Ministry of Labour.

31. The National Committee for Combating Human Trafficking monitors and supervises the implementation of the national plan to combat trafficking in persons by the relevant authorities. It evaluates the performance of these authorities, measures progress and identifies

shortcomings in the implementation of the plan every six months. It then develops, on an annual basis, measures to address those shortcomings, also by proposing strategic amendments and improvements. Each authority involved in the implementation of the plan also develops its own annual action plan, which includes three-monthly timescales for its activities. The National Committee for Combatting Human Trafficking endorses the annual implementation plan of each of the relevant authorities. Representatives of those authorities who are also members of the Committee play a major role in the plan's success by holding periodic meetings, discussing and addressing shortcomings and working to implement the agreed elements to fulfil the desired objectives of the national plan.

32. Reforms to the *kafalah* system: In 2020, Qatar adopted radical reforms to its labour laws (which will be explained in detail) under which the *kafalah* system was dismantled and a minimum wage was introduced for all workers, including foreign workers, who represent 88 per cent of the country's population. Thanks to these new reforms, Qatar is the first country in the Gulf region to allow all migrant workers to change jobs before the end of their contracts without the need for prior consent from their employers.

33. A labour inspection policy has been adopted and capacity has been built within the Inspection Department in order to improve accountability and ensure the effective implementation of recent legislative amendments. Labour inspectors receive training in several areas, including labour inspection skills, labour law, forced labour and trafficking in persons.

34. Recruitment processes have been made more transparent by establishing 14 Qatar visa centres in migrant workers' countries of origin. Recruitment processes are undertaken by these centres without any fees or costs being incurred by workers, who are able to read their employment contracts in their native languages and sign them electronically while in their home country and prior to travel. This has reduced problems such as fraud and contract substitution. Pilot projects on fair recruitment have been launched and the lessons learned have been widely disseminated. Recruitment due diligence has also been promoted through a "hospitality sector working group", in collaboration with representatives from the public sector as part of the public procurement process, and through other forms of cooperation with the private sector.

Legislative measures to combat trafficking in persons

35. Qatar has acceded to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

36. The Anti-Human Trafficking Act No. 15 of 2011, which criminalizes human trafficking in all its forms and manifestations, is in line with the aforementioned international instruments as regards prevention of trafficking in persons, the prosecution of perpetrators, and the protection and rehabilitation of victims.

37. The Council of Ministers issued Decree No. 15 of 2017 for the establishment of the National Committee for Combating Human Trafficking. The Committee acts as a national coordinating mechanism for monitoring, preventing and combating trafficking in persons, prosecuting perpetrators and providing protection to victims through coordination with the relevant authorities.

38. The Minister of Labour and Social Affairs issued Decree No. 4 of 2015 regulating the wage protection system for workers who are subject to the Labour Code. The Decree stipulates that wages must be disbursed to a worker's account in one of the financial institutions in the country in a manner that is traceable by the Ministry of Labour through electronic auditing. This system has been in force since 2015 and obliges companies to disburse the salaries of all their workers through the system each month within 7 days of each payment's due date.

39. The wage protection system has been updated with the aim of increasing its effectiveness and achieving the highest level of clarity and transparency on how workers' wages are calculated. It also includes provisions to identify, prosecute and penalize persons who violate the system. Employers in breach of the wage protection system face 1 year's imprisonment and a fine of 10,000 Qatari riyals (QR) (under Legislative Decree No. 18 of 2020 amending the Labour Code), as well as the suspension of all their transactions with the

Ministry of Labour. The Ministry spares no efforts to track down employers who are in violation of the wage protection system and to refer them to the relevant judicial authorities.

40. The Domestic Workers Act No. 15 of 2017 provides domestic workers with legal protection, which regulates the relationship between them and their employers and defines the rights and duties of each party. The Ministry of Labour has adopted a new model employment contract for domestic workers that complements the provisions of Act No. 15 of 2017, sets out additional protection for domestic workers and gives them the same rights as other workers subject to the Labour Code.

41. **The abolishment of exit permits:** Exit permits for workers subject to the Labour Code were abolished under Act No. 13 of 2018. Under Ministerial Decree No. 95 of 2019, exit permits have been abolished for other categories of workers and domestic workers.

42. **Facilitating change of employer:** Decree-Law No. 19 of 2020, dated 30 August 2020, amends certain provisions of the Act regulating the entry, exit and residency of migrant workers. Decree-Law No. 18 of 2020, issued on the same date, amends certain provisions of the Labour Code, allowing all workers in the State of Qatar to change employers at any time, provided that the notice period is respected and without the need to first obtain a “no-objection certificate” from the employer. **Since these amendments were passed, more than 300,000 workers (including 7,000 domestic workers) have changed employers.**

43. **Act No. 17 of 2020 on the adoption of a non-discriminatory minimum wage for workers and domestic workers:** This Act, the first of its kind in the Gulf region, applies to all categories of workers, including domestic workers, regardless of their nationality or the sector in which they work. It has led to an increase in basic pay for 280,000 workers, who represent 13 per cent of the workforce. The Act sets the basic wage rate, food allowance and housing allowance at a total of QR 1,800 (\$500). The Minimum Wage Committee has also been established to monitor and review its impact in the light of economic factors.

44. **Act No. 17 of 2018 on the establishment of the Workers’ Support and Insurance Fund** was passed with the aim of providing sustainable financial resources to support workers and to disburse their entitlements under the rulings handed down by the labour dispute resolution committees in cases where the employer concerned is insolvent or otherwise unable to pay. The sums disbursed are to be subsequently collected from the employers. By March 2022, the Workers’ Support and Insurance Fund had disbursed OR 358,000,000 (approximately \$100 million) to more than 35,000 workers.

45. **Ministerial Decree No. 21 of 2019 regulating the conditions and procedures for electing workers’ representatives to joint committees,** which are platforms for social dialogue between the employer and workers’ representatives. For the first time in the Gulf region, migrant workers have elected their own representatives in workplaces. By March 2022, 228 workers had been elected to represent a total of approximately 40,000 workers in 37 organizations. Platforms have been established to bring the priorities and discussions emanating from individual joint committees to major contractors at the sectoral and national levels. There is an ongoing study to explore the possibility of requiring companies of a certain size to establish joint committees.

46. **The Qatari Criminal Code (Act No. 11 of 2004)** stipulates that violence is prohibited and envisages penalties aimed at deterring it in all its forms so as to guarantee the protection of human beings.

(b) Measures taken to ensure that victims of trafficking have access to effective remedies and reparations

47. The Ministry of Labour’s National Committee for Combating Human Trafficking has announced new channels for directly reporting complaints related to trafficking in persons. The Ministry has issued a statement urging the public to report any trafficking-related violations, complaints or irregularities using the hotline (16044) and by email (Ht@mol.gov.qa).

48. The National Committee for Combating Human Trafficking provides victims with a lawyer to represent them in court free of charge. It also communicates with the relevant authorities (the Ministry of the Interior) to finalize all procedures related to victims, such as those concerning residence permits or departure and return to countries of origin. The

Committee also coordinates with the Labour Relations Department within the Ministry of Labour on the settlement of their financial entitlements.

(c) Measures taken to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychological support, for potential victims of trafficking while identification processes are being carried out

49. Shelter is provided for victims of trafficking in persons within a humanitarian care facility run by the National Committee for Combating Human Trafficking. The facility, which is managed by the Qatar Red Crescent Society, consists of six villas and provides victims with health and psychological care. It offers them a safe and suitable environment and gives them the assistance and protection they require while working to rehabilitate them and integrate them into society. It also provides temporary shelter for workers until their departure from the country. The National Committee for Combating Human Trafficking has signed a memorandum of understanding with the Red Crescent Society on the operation and management of the humanitarian care facility, as well as a memorandum of understanding with Qatar Charity to support victims of trafficking in persons with QR 3 million for a period of 3 years.

(d) Signature of agreements with the countries concerned to prevent and combat trafficking in persons

50. A memorandum of understanding has been signed with the Government of the United States of America to train and qualify the authorities involved in combating trafficking in persons and to share experience in this area.

51. A memorandum of understanding has been signed with the British Embassy to train the authorities involved in combating trafficking in persons and to share experience in this area.

52. An agreement has been signed with the International Labour Organization (ILO), which includes provisions for cooperation in combating crimes involving trafficking in persons, particularly in relation to increasing awareness and education on this issue.

Awareness-raising, training and skills-building

53. In partnership with the United Nations Office on Drugs and Crime, ILO, the British Embassy and the Embassy of the United States, the National Committee for Combating Human Trafficking has held several training courses and seminars aimed at increasing the capacity of the entities and persons tasked with combating trafficking in persons.

The National Committee for Combating Human Trafficking has also entered into the following new initiatives:

1. The Committee has agreed to establish a global centre for training and studies in the field of combating trafficking in persons, in cooperation with the United Nations Office on Drugs and Crime.
2. The Committee has liaised with the Ministry of Education and Higher Education to raise awareness among students at all academic levels about the laws on trafficking in persons.
3. The Committee has coordinated with Qatar Charity to organize awareness-raising campaigns, especially for older persons, concerning violations of the Domestic Workers Act that are considered as forms of trafficking in persons.
4. The Committee has signed a memorandum of understanding and cooperation with the Qatar Bar Association regarding the provision of legal representation in trafficking cases that come before the courts.
5. The Committee has coordinated with the Supreme Council of the Judiciary to allocate special courts for hearing cases involving trafficking in persons.

54. The National Human Rights Committee monitors the activities of the Penal and Correctional Institutions Department through periodic inspections under the laws and regulations in force. Visits are also undertaken by the Human Rights Department of the

Ministry of the Interior. In addition to this, the Office of the Public Prosecutor monitors detention facilities that fall within its jurisdiction.

55. The National Human Rights Committee acknowledges all the endeavours made by the relevant authorities to protect this right. Nonetheless, it uses its reports to urge those authorities to increase transparency by providing comprehensive data on the number of inspection visits, violations experienced by detainees and the measures taken against the perpetrators of those violations, such as the number of convictions and the number of disciplinary or criminal penalties.

56. The National Human Rights Committee carries out independent monitoring of detention facilities to ascertain whether the Convention is being implemented. In that connection, the Committee visits police stations, penal and correctional institutions and psychiatric centres, among other facilities, conducting 96 field visits in 2019, 82 in 2020 and 50 in 2021.

57. During the past three years, the National Human Rights Committee has recorded personal interviews with a number of detainees and received information, most notably in relation to overcrowding in certain facilities. Cases involving allegations of the torture or ill-treatment of detainees amount to no more than four annually. Some of these allegations were from international human rights organizations.

58. The National Human Rights Committee has worked to verify all complaints by visiting the detainees who filed them.

59. On this issue, the National Human Rights Committee can confirm that no physical traces of torture were found in any case. Information from detainee accounts concerned being beaten, kicked or ill-treated, but there was no mention of any use of other tools in this regard.

60. In all cases, whether received directly or from international bodies, the relevant authorities were contacted and they launched investigations into the allegations which were then found to be false or, in rare cases, disciplinary action was brought against the officials concerned.

61. The National Human Rights Committee has made the following recommendations to the relevant authorities:

- Establish an independent commission within the judiciary to investigate allegations of torture and ill-treatment, if any.
- Ensure that the relevant authorities publish information on the monitoring of detention facilities, such as the number of inspection visits, the nature of violations and the measures taken to investigate and punish the perpetrators of acts of torture, ill-treatment and degrading treatment.
- Review corporal punishment and replace it with community service.
- Conduct further training on the responsibility of public authorities, including the judiciary, prosecutors, police and prison administrators, to ensure that perpetrators of torture and other ill-treatment do not go unpunished.
- Raise awareness of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Review reservations to the Convention against Torture and consider the extent to which they can be withdrawn.
- Consider ratifying the Optional Protocol to the Convention.

Article 3

Reply to the issues raised in paragraph 8 of the list of issues

62. The principle of non-refoulement is enshrined in article 58 of the Constitution and article 410 and ff. of the Code of Criminal Procedure. This is complemented and reaffirmed in article 1 of Act No. 11 of 2018 regulating political asylum, which defines a political refugee as follows: “Any persons outside their country of nationality or, if stateless, outside their country of habitual residence, if they cannot and do not wish to return to that country

due to a justified fear that they would be at risk of being sentenced to death or subjected to corporal punishment, torture or brutal or degrading treatment, or to persecution on the basis of their race, religion, social group or political opinions.” Similarly, article 15 of the same Act stipulates that “all forms of refoulement or extradition of political refugees to their country or to another country where they fear they would face danger or persecution are prohibited”.

63. Act No. 11 of 2018 regulating political asylum defines the legal position of political refugees and specifies the conditions for granting refugee status as well as the legal implications (the rights and obligations of refugees).

Reply to the issues raised in paragraph 9 of the list of issues

64. Statistical data related to the number of political asylum applications submitted during the years 2020–2021.

| <i>Year</i> | <i>Number of political asylum applications</i> | <i>Outcome of the applications</i> |
|-------------|--|---|
| 2020 | 25 | None of the political asylum applications were accepted as they did not meet the conditions and requirements for granting asylum stipulated in Act No. 11 of 2018 regulating political asylum and its implementing decrees. |
| 2021 | 30 | |

Reply to the issues raised in paragraph 10 of the list of issues

65. The Permanent Constitution of the State of Qatar upholds the principle of non-refoulement, with article 58 stipulating that “the extradition of political refugees is prohibited”. This is complemented and reaffirmed in article 1 of Act No. 11 of 2018 on the Regulation of Political Asylum, which defines a political refugee as follows: “Any persons outside their country of nationality or, if stateless, outside their country of habitual residence, if they cannot and do not wish to return to that country due to a justified fear that they would be at risk of being sentenced to death or subjected to corporal punishment, torture or brutal or degrading treatment, or to persecution on the basis of their race, religion, social group or political opinions.” Similarly, article 15 of the same Act stipulates that “all forms of refoulement or extradition of political refugees to their country or to another country where they fear they would face danger or persecution are prohibited”.

66. The Office of the Public Prosecutor is the competent authority to adjudicate extradition requests, in accordance with article 413 of the Code of Criminal Procedure (Act No. 23 of 2004). It should be noted that the Code of Criminal Procedure envisages a body of safeguards and rights for persons whose extradition is sought, namely:

67. Article 410: “Extradition is inadmissible in the following cases:

- If the person whose extradition is requested is a Qatari national.
- If the offence committed by the person whose extradition is requested is political or linked to a political offence, or if the person concerned is a political refugee at the time the request for extradition is made.
- If the offence for which extradition is requested relates exclusively to a breach of military duty.
- 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, nationality or political opinion or that any of these factors might be used to the detriment of the person concerned.
- If the person whose extradition is requested has previously been tried for the same offence and definitively acquitted or convicted 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 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 requesting State.

- 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.”

68. Article 414: “Persons whose extradition is requested shall be informed of the charges and evidence against them and the documents relating to the extradition request. Their statements shall be recorded, and a lawyer may be present while they are being questioned.”

69. Article 419: “A person against whom an extradition order has been issued may lodge an appeal against the order.”

70. Article 423: “Persons who have been extradited may not be charged, tried or punished for any offence that was committed prior to the date of their extradition – other than those for which extradition was requested and related offences – except in the following two cases:

- If the persons concerned or the country that extradited them consents.
- If the persons do not leave the territory of the State within 30 days following the end of the proceedings or the enforcement of sentence (depending upon the case), despite being able to do so.”

Articles 5 to 9

Reply to the issues raised in paragraph 11 of the list of issues

i. National legislation

71. The purpose of the right to protection from torture and other cruel, inhuman or degrading treatment or punishment is to protect the dignity and physical and mental well-being of individuals. The State’s concern to promote that right is clearly evident in several pieces of legislation which show that efforts to uphold human rights principles are continuing. Qatari legislators have demonstrated their own commitment to protect this right in article 36 of the Constitution, which stipulates that “no person may be subjected to torture or degrading treatment”. Torture is a crime punishable by law, and national legislation explicitly criminalizes acts of torture and other forms of inhuman treatment, as defined in article 1 of the Convention against Torture.

72. The Criminal Code (Act No. 11 of 2004) was amended by Act No. 8 of 2010 with the addition of article 159 bis, which stipulates that any public servant or any other person acting in an official capacity who uses torture or incites, consents to or conceals the torture of any person is to be punished. The penalty is to be redoubled if the act of torture results in a lasting disability, and offenders could face the death penalty or life imprisonment if the torture leads to the death of the victim.

73. Article 159 bis of the Code also includes an explicit definition of torture that is fully in line with the definition contained in article 1 of the Convention.

74. The Act further protects this right by stipulating penalties for perpetrators of related crimes, such as the abuse of authority or the use of force, threat, injury or cruelty towards an individual by public officials during the performance of their duties.

75. It should also be noted that many pieces of legislation, which have been groundbreaking in terms of advancing human rights in the State of Qatar, have been enacted in recent years. Below is a non-exhaustive list:

1. The Domestic Workers Act No. 15 of 2017, which obliges employers to provide a decent life for employees. This includes providing food, clothing and health care and treating them well in a manner that safeguards their dignity and well-being and does not endanger their lives or expose them to physical or psychological harm in any manner whatsoever.

2. Act No. 11 of 2018 regulating political asylum, which serves to enforce the provisions of article 58 of the Permanent Constitution of the State of Qatar, which guarantees the right to political asylum. The Act makes Qatar a pioneer in this area as it was the first legislation of its kind in the Gulf region.

3. Act No. 27 of 2019 promulgating the new amended Anti-Terrorism Act, which abrogates the earlier Act No. 3 of 2004 and envisages several fundamental legal safeguards for individuals. These are human rights for which the State of Qatar has shown particular concern.

ii. International treaties that the State of Qatar has recently acceded to and ratified

76. Civil and political rights serve to protect individual freedoms against abuse and guarantee that persons can participate in civil and political life without discrimination. The Permanent Constitution of Qatar stipulates that all citizens on national territory have those rights.

77. In recent years, legislators have introduced fundamental legislative reforms across a wide range of areas with a view to strengthening the human rights infrastructure. These efforts are part of a new stage in the process of protecting human rights. As an affirmation of its commitment in this regard, the State has ratified a number of treaties and issued several decrees, including the following:

1. Decree No. 6 of 2018 amending certain provisions of Decree No. 27 of 2001 on the accession of Qatar to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
2. Decree No. 40 of 2018 ratifying the accession of Qatar to the International Covenant on Civil and Political Rights;
3. Decree No. 41 of 2018 ratifying the accession of Qatar to the International Covenant on Economic, Social and Cultural Rights.

78. Qatar is committed to fulfilling its obligations under the International Covenant on Civil and Political Rights. Its duty in this regard is enshrined in article 6 of the Constitution – according to which the State is to respect international conventions and treaties and to seek to implement the instruments to which it is a party – as well as in recent legislation.

Article 10

Reply to the issues raised in paragraph 12 of the list of issues

79. Forensic doctors are aware of how to detect and document the physical and psychological effects, particularly the injuries, resulting from ill-treatment and torture. Forensic doctors apply the instructions of the Istanbul Protocol in their work, and the provisions of the Protocol are addressed in lectures provided by the Forensic Medicine Centre to police officers, the Office of the Public Prosecutor and the Ministry of Justice. In general, the implementation of the Convention is monitored by:

- Disclosing all deaths that occur in detention centres, penal and correctional facilities and other locations.
- Examining persons who claim to have been injured during arrest to determine whether they are showing signs of distress or violence.
- Investigating cases of suspected child abuse in families.

80. With regard to training programmes, forensic doctors have not been invited to attend any lectures, workshops or programmes at the Forensic Medical Centre that specifically focus on the application of the Istanbul Protocol.

81. In 2006, a circular was issued to the health sector regarding the accession of the State of Qatar to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The circular urged all health workers to inform their superiors and the relevant authorities should any of them find evidence, when examining a patient or casualty, of signs of torture or cruel, inhuman or degrading treatment, so that measures can be taken to identify and punish the perpetrator. The circular also stressed the need for cooperation to detect such acts regardless of the party responsible, the circumstances in which they occurred or whether they are the result of intentional or systematic torture or domestic violence. Taking a robust stand against such acts helps to uphold human dignity and to lay the basic foundation for a healthy society in which all members are equal in rights and duties.

Hamad Medical Corporation – which was established by the Ministry of Public Health and manages and operates major hospitals in the country – has adopted a policy that requires medical and paramedical professionals to file a report with the police in the event that a patient is discovered to have been subjected to violence or torture. This is to be done in coordination with the hospital’s social service department, as the police have offices for reporting such cases within each hospital’s emergency department.

82. Hamad Medical Corporation has procedures in place for this process. Cases are reported in accordance with Corporation policies, as well as in cooperation and coordination with the relevant authorities in the country (such as embassies, police stations and the Office of the Public Prosecutor). A specialized clinic has been opened to examine and detect cases of violence, which receives suspected victims of violence from all public and private hospitals, health centres and other public and private clinics. A comprehensive assessment is prepared for each case covering all medical, psychological and social aspects.

83. The role of the Ministry of Public Health in implementing other aspects of article 10 has been clarified above. Its role is to ensure that health workers are aware of the Convention, are trained to detect cases of violence or torture and are aware of the need to report and address such cases thoroughly.

84. The Social Services Department of the Hamad Medical Corporation provides training to develop the skills of social workers and enable them to handle such cases and recognize the effects of torture and ill-treatment. A committee will be formed to monitor and prevent torture. A training programme has also been prepared for medical staff working in hospitals and health centres, including doctors, nurses and technicians, as well as social workers and psychologists, to detect such cases.

Article 11

Reply to the issues raised in paragraph 13 of the list of issues

85. In Paragraph 16 (c) of the previous concluding observations Qatar was called upon to ensure that no person be held in secret detention. In line with this recommendation, accused persons are never held in secret locations but in facilities that are known to the Office of the Public Prosecutor, which is the body entrusted with conducting investigations and pursuing prosecutions, and is responsible for all detention facilities and prisons.

Reply to the issues raised in paragraph 14 of the list of issues

86. The Constitution, the Code of Criminal Procedure, the Public Prosecution Act and other relevant legislative instruments provide for an integrated system of legal safeguards for detainees (persons held in pretrial detention), which enhance access to their rights throughout all stages of criminal proceedings. The safeguards are as follows:

- An arrest warrant must be issued by the competent investigative authority, namely the Office of the Public Prosecutor, which is an effective, independent and discerning judicial body (art. 1 of the Public Prosecution Act).
- Detention is permissible only in certain cases (art. 110 of the Code of Criminal Procedure).
- There are specific limits on the duration and extension of pretrial detention (art. 117 of the Code of Criminal Procedure).
- Persons held in pretrial detention have the right to seek provisional release, either with or without bail (art. 119 of the Code of Criminal Procedure).
- Public prosecutors are authorized to enter places of detention in order to ensure that no persons are being held illegally. They may examine records and arrest and detention warrants, take copies thereof, communicate with any detainee and listen to any complaints. Public prosecutors must be provided with the assistance needed to obtain the information they request (art. 395 of the Code of Criminal Procedure).
- All persons held in a detention facility have the right to submit a written or oral complaint, at any time, to the manager of the facility and to request the manager to

make a record of it in a register prepared for that purpose and then report it to the Office of the Public Prosecutor (art. 396 (1) of the Code of Criminal Procedure).

- Anyone who is aware of a person or persons being held in unlawful detention or in a place that is not designated for the purpose of detention must report the matter to members of the Office of the Public Prosecutor (art. 396 (2) of the Code of Criminal Procedure).

87. While medical examinations for pretrial detainees are not envisaged in the Code of Criminal Procedure, this does not prevent health care being provided to pretrial detainees as needed, either at the beginning of or during their detention. To this end, the Medical Services Department within the Ministry of the Interior has appointed a doctor to make periodic visits to the places of detention managed by the security services in order to provide those detained in such facilities with the health care and medical examinations they need and to refer those requiring further treatment to health centres or hospitals.

88. A procedural mechanism for monitoring and evaluating the human rights situation of detainees and prisoners, adopted by the Human Rights Department in 2007, is continuously being developed and updated. The mechanism consists of monitoring and investigation teams made up of officers and specialists from the administration who use survey forms containing a range of questions, the answers to which give the teams a comprehensive picture of the extent to which detainees' and prisoners' human rights – as internationally recognized and envisaged in the Act regulating penal and correctional institutions – are being respected. The mechanism covers prisons as well as pretrial and temporary detention facilities.

89. Under the mechanism, the monitoring and inspection teams submit detailed reports to the Director of the Human Rights Department. The reports contain the team's observations and assessment of the human rights situation in the prisons and detention facilities visited, explaining the positive and negative aspects observed and including the necessary recommendations and proposals.

90. The Human Rights Department subsequently contacts the bodies concerned with the results of the visits. Those bodies are then to inform the Department of the measures they have taken to address the shortcomings and deficiencies identified in the monitoring teams' reports, within a period not exceeding two weeks from the date of receiving the information.

91. This procedural monitoring mechanism has been promoted through awareness-raising activities run by the Human Rights Department for male and female police officers who have contact with inmates of penal and correctional institutions and detention facilities. The aim was to develop their skills and inform them about international human rights standards for prisoners and detainees. The activities included:

- Delivering training courses for male and female staff (both military and civilian) of the Penal and Correctional Institutions Department who have contact with inmates.
- Delivering a specific training workshop with the Qatar Red Crescent Society and the regional delegation of the International Committee of the Red Cross (ICRC) in Kuwait on humanitarian culture and the protection of the rights of prisoners and detainees.
- Issuing a guide on international standards on the rights of prisoners and detainees.
- Issuing a guide on human rights standards for detainees under the Act regulating penal and correctional institutions and related international standards.
- Preparing guidelines for staff in penal and correctional facilities on the professional, legal and humanitarian standards governing their dealings with inmates.

92. The humanitarian and social services section of the Human Rights Department was the focal point for ICRC vis-à-vis monitoring the human rights situation of prisoners and detainees during the coronavirus disease (COVID-19) pandemic.

93. It is worth noting here that the monitoring mechanism adopted by the Human Rights Department is part of a national monitoring system one of the tasks of which is, in fact, to monitor the human rights situation of prisoners and detainees. The system is composed of:

- The national (independent) monitoring mechanism adopted by the National Human Rights Committee.
- The judicial monitoring mechanism (the Office of the Public Prosecutor).

94. The Human Rights Department made 39 visits to monitor the human rights situation of prisoners and detainees in 2020, and a further 37 in 2021.

95. Lastly, it should be noted that the State of Qatar takes an open approach to international human rights monitoring mechanisms, whether or not they are from the United Nations. The Ministry of the Interior ensures that all detention facilities under its control comply with international human rights standards. To this end, inspection visits to detention facilities have been made by the special procedures of the Human Rights Council (Working Group on Arbitrary Detention) and by international non-governmental organizations (NGOs) such as ICRC. The relevant authorities within the Ministry seek recommendations from these bodies and work to implement them so as to improve the operation of detention facilities by drawing on relevant international experience.

Reply to the issues raised in paragraph 15 of the list of issues

Commentary

- Within the framework of preserving the rights of inmates, including those with disabilities, the Penal and Correctional Institutions Department has developed strategies for dealing with inmates with disabilities so as to ensure that their rights are preserved while they serve out their sentences. Instances of disability include cases of visual, hearing and mobility impairments, with each case requiring special humanitarian care to ensure that the individuals concerned are able to enjoy all the rights they are entitled to under international laws and conventions. The Penal and Correctional Institutions Department provides the necessary services to inmates with disabilities, depending upon their particular needs, in the manner set out below:

i. Classification procedures

Following an initial entry examination, inmates are sorted into two categories to identify the assistance they require:

- Persons with disabilities who can perform essential activities such as eating and personal hygiene by themselves; for example, older persons and amputees.
- Persons with disabilities who cannot perform essential activities such as eating and personal hygiene by themselves, for example, persons with mobility impairments and who are suffering from paralysis.

ii. The preparation of buildings and facilities

The buildings are designed and equipped to receive this category of inmates and meet their needs as follows:

- The buildings have been designed with consideration for the needs of this category of inmates. Design features include wheelchair access to the control room, buildings and corridors.
- The doors have been designed to be wide enough to accommodate wheelchairs, and toilets have been designed to the appropriate specifications.
- Dining areas and telephone booths have also been designed to suit the needs of this category of inmates.
- Reading areas have been set up inside inmates' accommodation.

iii. Training staff on how to deal with inmates with disabilities.

Two training courses have been held in the section responsible for older persons and persons with disabilities in the Passport Department for staff who deal directly with inmates. Training courses covering the following themes will be held with the relevant authorities:

- Interacting with inmates with visual, hearing and mobility impairments.
- Studying the psychology of inmates.
- Preparing inmates for social inclusion.

- Training in first aid.

iv. Services provided while sentences are served

Inmates with disabilities are classified as a vulnerable group and receive special services when serving their sentences, thereby ensuring that they are able to enjoy all their rights under relevant laws and charters, such as:

- The Ministry of the Interior attends to the welfare of inmates with disabilities during their sentence, providing them with free treatment and facilitating their access to medical visits in hospitals.
- The Ministry facilitates learning for inmates, including those with disabilities, and gives them every opportunity to access education, training and rehabilitation courses to ensure they can reintegrate as active and productive members of society.
- During transfers, wheelchairs are provided for inmates with limited mobility and they are supervised by specially trained security officers.
- Security officers are assigned to accompany newly arrived inmates and to support them as they move or transfer between different facilities, until the entry procedures are complete then throughout their time in prison.
- Inmates, including those with disabilities, receive visits of all kinds, phone calls, free and nutritious food and other services provided by the Ministry.
- Inmates may be released on medical grounds. To that end, they are brought before a medical committee, which considers whether they can be released on the medical grounds envisaged in articles 65 and 66 of the Act No. 3 of 2009 regulating penal and correctional institutions.

v. Making inmates with disabilities aware of their rights.

To guarantee the right to knowledge and information, penal and correctional institutions, in cooperation with the relevant authorities, have printed:

- Act No 3. of 2009 regulating penal and correctional institutions (in Braille).
- A guide to the rights and responsibilities of detainees (in Braille).

Measures taken to ensure that detained juveniles are separated from adults in places of detention

Commentary

A special criminal justice system is in place for juveniles in the State of Qatar, which is based on a solid institutional framework that respects the need for privacy when handling this category, in accordance with international standards. To reinforce this, the Juvenile Code (Act No. 1 of 1994) envisages the creation of a specialized police department – the Juvenile Police Department – which deals with cases involving juveniles and is affiliated with the Ministry of the Interior. The Code also envisages the establishment of a specialized public prosecution service responsible for handling all cases relating to juveniles at all stages. The Act also provides for the establishment of a juvenile court to hear cases involving juveniles. The court is to have exclusive jurisdiction over juveniles in cases where they are accused of felonies or misdemeanours or are at risk of delinquency, and it is to adjudicate disputes that arise while juveniles are carrying out their sentences.

Furthermore, in view of the age of juveniles and of the risks posed by them mixing with criminals detained in penal and correctional institutions designated for adults, the Code stipulates that juveniles are to be placed or detained only in care and correctional institutions designated specifically for them, such as social care homes, which are supervised by the Ministry of Social Development and the Family. These institutions fall into the following categories:

- (a) Social supervision facilities: These are government structures assigned by the investigating authority to care for juvenile offenders until they are brought before the juvenile court.

(b) Social guidance facilities: These are government structures dedicated to sheltering and caring for juveniles at risk of delinquency.

(c) Social reform facilities: These are government structures dedicated to sheltering, caring for, assessing and rehabilitating juvenile offenders. The juvenile court orders the detention or placement of juveniles in such facilities.

Non-custodial measures for juveniles:

Commentary

The Juvenile Code envisages several correctional measures aimed at socializing juvenile offenders or juveniles at risk of delinquency without resorting to detention and imprisonment. The Code prescribes non-custodial measures as an alternative to penalties involving the deprivation of liberty for juveniles who are accused or have been convicted of committing an act prohibited under the Criminal Code. This approach is consistent with the non-custodial measures contained in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) of 1990. Article 8 of the Code stipulates that:

A juvenile under 14 years of age who commits a serious offence or a misdemeanour may not be sentenced to the penalties or measures prescribed for such offences, with the exception of expropriation or closure of premises. The juvenile is instead liable to one of the following measures:

- (a) A reprimand.
 - (b) Delivery into the custody of a guardian.
 - (c) Enrolment in vocational training.
 - (d) Compulsory fulfilment of specific obligations.
 - (e) Probation.
 - (f) Placement in a social reform facility.
 - (g) Placement in a health care facility.
- (2) Measures taken by the State party to respond to threats of terrorism and whether those measures have affected human rights safeguards in law and in practice, as well as the number of persons who have been convicted under legislation adopted to combat terrorism, and the legal remedies and safeguards available to persons subjected to anti-terrorism measures:

Reply to the issues raised in paragraph 16 of the list of issues

96. Visits to monitor and evaluate the conditions of detainees have been conducted by the Human Rights Department of the Ministry of the Interior, the National Human Rights Committee, ICRC and the Working Group on Arbitrary Detention. Placement in solitary confinement does not exceed two weeks and is surrounded by a number of legal, regulatory and supervisory safeguards. The table below presents statistical data on the use of solitary confinement during the period 2018–2021.

| <i>Year</i> | <i>Number of placements in solitary confinement</i> | <i>Duration of solitary confinement</i> |
|-------------|---|---|
| 2018 | 244 | Up to a week |
| 2019 | 388 | Up to a week |
| 2020 | 342 | Up to a week |
| 2021 | 366 | Up to a week |

Reply to the issues raised in paragraph 17 of the list of issues

97. It should be noted that the incidents that occurred were simple altercations between prisoners. Legal action was taken regarding these altercations, mostly resulting in reconciliation and the dropping of legal proceedings by the parties concerned. In instances where the altercations involved parties who did not wish to reconcile, the cases were referred

to the Security Directorate which prepared a casefile to be referred to the Office of the Public Prosecutor and the courts, in line with the law.

The table below presents statistical data on altercations during the 2018–2021 period.

| <i>Year</i> | <i>Number of altercations between prisoners</i> | <i>Number of prisoners subjected to external investigations</i> |
|-------------|---|---|
| 2018 | 35 | 1 |
| 2019 | 47 | 2 |
| 2020 | 35 | 4 |
| 2021 | 24 | 3 |

98. Following any death in custody, the Security Directorate drafts a report, duly conducts an investigation and autopsy to determine the cause of death and presents these to the Office of the Public Prosecutor. In all instances, the Office of the Public Prosecutor has archived the case as the death was due to natural causes, and has ordered that the bodies of the deceased be handed over to their families.

The table below presents statistical data on deaths in custody during the 2018–2021 period.

| | <i>Date of death</i> | <i>Sex</i> | <i>Nationality</i> | <i>Age at time of death</i> | <i>Place of detention</i> | <i>Cause of death</i> | <i>Notes</i> |
|---|----------------------|------------|--------------------|-----------------------------|---------------------------|-------------------------------------|---|
| 1 | 14/11/2018 | Male | Qatari | 54 | Central Prison | Complications of suffocation | Died in hospital |
| 2 | 16/06/2019 | Male | Bengali | 66 | Central Prison | Severe heart attack | Died in cardiology hospital |
| 3 | 28/03/2020 | Male | Egyptian | 40 | Central Prison | Acute heart and respiratory failure | Died in hospital |
| 4 | 20/04/2020 | Male | Qatari | 59 | Central Prison | Cancer | Died at Al Amal Hospital following eight months of hospitalization and treatment for cancer |

Reply to the issues raised in paragraph 18 of the list of issues

99. There is currently no overcrowding in places of detention. During the COVID-19 crisis, non-custodial precautionary measures were adopted. The health-care facilities in places of detention are among the best facilities available to detainees. Places of detention having working ventilation systems and windows, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Detainees have beds and food, in addition to access to shops, canteens and recreation. Women detainees are treated in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). On 22 April 2020, a royal pardon was issued benefiting 30 per cent of all detainees in correctional facilities, and a statement released by the Amiri Diwan explained that the pardon had been motivated by the health and humanitarian conditions in the country following the outbreak of COVID-19. The Office of the Public Prosecutor coordinates with the Ministry of the Interior, the Ministry of Public Health, the Ministry of Labour and the National Human Rights Committee.

100. Supervisory authorities and monitoring bodies conduct visits to prisons to assess the conditions in which prisoners are held. The reports, recommendations and observations resulting from these visits are taken into account when making improvements to facilities. Such reports are not an indication that standards are being violated; rather, they are designed to measure the performance of detention facilities. The Penal and Correctional Institutions

Department is responsible for granting authorization for prison visits, including by NGOs, in accordance with the directives issued by the decision-making authority of the Ministry. These mechanisms are implemented in coordination with the Human Rights Department of the Ministry of the Interior.

Reply to the issues raised in paragraph 19 of the list of issues

101. No persons are currently being held under judicial placement in a psychiatric institution. Both persons who were being held in such circumstances in 2021 have been discharged.

102. Persons held in psychiatric institutions have the right to treatment and medical care, in addition to programmes to support their psychosocial rehabilitation and reintegration into society. All such services are provided free of charge, as are the services available to victims of violence or torture.

103. As stated above, psychosocial rehabilitation programmes are being prepared with the aim of integrating patients back into society and ensuring their mental and psychological health.

Reply to the issues raised in paragraph 20 of the list of issues

104. The Investigation and Follow-up Department seeks to limit the number of individuals held in temporary detention. To this end it simplifies and facilitates deportation procedures for offenders against whom deportation orders have been issued, thereby avoiding, to the extent possible, the need to hold them in detention. It also provides tickets for persons unable to purchase their own without waiting for the employer to do so; and it conducts COVID-19 tests within the Department. Persons held in temporary detention centres receive all necessary services and have all their needs met, including with regard to communication, round-the-clock health care, general hygiene and food, and they are treated in a civilized manner.

105. Article 28 of the Act regulating the entry, exit and residency of migrant workers sets out the standards to be followed by the Investigation and Follow-up Department in the treatment of offenders scheduled for deportation. In accordance with those provisions, placement in a temporary detention centre does not constitute arrest or punishment, but rather it is a temporary measure that may be used until the deportation procedures have been completed, as detailed below:

- Arrested persons who are found to have violated residency laws or who are subject to a deportation order are referred to the Investigation and Follow-up Department for the completion of official deportation procedures. They may be placed in a temporary detention centre until the completion of those procedures. They may be placed under sponsorship, where available, in the event of travel restrictions.
- Persons found to have violated residency laws are to be deported if they refuse to leave the country or to immediately obey any orders or decisions issued in that regard. In such situations, they may be held in a detention centre pending the completion of deportation procedures, which are to be carried out as swiftly as possible.
- Persons found to have violated residency laws who have been referred to the Investigation and Follow-up Department by their national embassy or their recruiter in order to secure their departure and who have no accommodation or sponsor may be placed in a temporary detention centre until the deportation procedures have been completed.

Articles 12 and 13

Reply to the issues raised in paragraph 21 of the list of issues

106. Torture and ill-treatment fall under the definition of abuse of authority. The Military Service Act No. 31 of 2006 prohibits abuse of authority by military personnel (art. 72 (16)). It also sets out the disciplinary, criminal and civil liability of military personnel found to have committed such an offence (art. 73): “Where military officials fail to perform their duties, or commit any of the prohibited actions envisaged in the present Act, or overstep the limits of their duties, or comport themselves in a manner harmful to the honour of the military, they

shall be liable to disciplinary action without prejudice to the institution of civil or criminal proceedings against them, as necessary.”

107. Legal liability resulting from abuse of authority by a police officer can lead to disciplinary penalties, and it is logical and normal that the abuse should be investigated and the penalties imposed by the institution in which the individual works because it is the institution’s reputation and honour that have suffered damage as a result of the individual’s actions. This is in accordance with Decree No. 7 of 2006 of the Minister of the Interior, which determined that the Department of Legal Affairs is to be responsible for conducting investigations of military personnel, civil servants and other employees of the Ministry (art. 1). It is also in accordance with Decree No. 8 of 2006 of the Minister of the Interior, which established the Preliminary Disciplinary Board as the entity responsible for disciplining the aforementioned groups (art.1) following legal proceedings undertaken before it by the Legal Affairs Department (art. 2) when any abuse of authority, including torture or ill-treatment, is committed by military personnel. Such preliminary disciplinary proceedings and their outcomes do not prevent victims from pursuing criminal proceedings against perpetrators, under the Criminal Code, as well as civil claims for compensation for the damages suffered, under the Civil Code. The civil and criminal courts conduct such proceedings in an impartial, independent and public manner, in accordance with articles 129, 130 and 133 of the Constitution.

108. With regard to the suspension from duty of persons suspected of crimes of torture or ill-treatment, article 79 (chapter XI, on disciplinary accountability for prohibited acts, including torture and ill-treatment) of the Military Service Act stipulates that: “The competent authority or its representative and the Disciplinary Board may, during the trial, suspend from duty any military official under investigation if it is in the interest of the investigation or the trial, for a period of up to three months.”

109. According to the Ministry of the Interior, four violations related to the use of cruelty, violence and acts of torture or ill-treatment by law enforcement officials were recorded between 2018 and 2021:

(1) On 1 February 2019, an official of the Ministry of the Interior assaulted a number of individuals while they were watching the final of the Asian Cup in the area of Souq Waqif. The official was brought before the Disciplinary Board of First Instance and Appeal on the charge of abuse of power and overstepping the limits of his duties, in accordance with article 72 (16) of the Military Service Act. He was convicted and disciplinary measures were imposed against him.

(2) On 20 February 2020, an official of the Ministry of the Interior assaulted a Qatari citizen while inside a security centre. The official then forced the victim to enter a security patrol car and transported him to a forensic laboratory. The official was held accountable on two charges:

(a) Failure to maintain, at all times, the honour, dignity and reputation of the military, in accordance with article 71 (10) of the Military Service Act;

(b) Abuse of power or overstepping the limits of his duties, in accordance with article 72 (16) of the Military Service Act.

The Disciplinary Board of First Instance ordered that the perpetrator be placed in closed detention for 30 days, with a deduction for any time already spent in pretrial custody. The Disciplinary Board of Appeal subsequently overturned the ruling and acquitted the individual in question.

(3) On 26 May 2021, an official of the Ministry of the Interior physically assaulted a migrant worker within one of the Ministry’s service departments. The perpetrator was summoned for investigation, and disciplinary action is being taken against him.

(4) On 20 June 2021, several officials of the Ministry of the Interior subjected a number of detainees to cruelty and torture within a detention centre operated by the Ministry, by placing the detainees in iron handcuffs and beating them around the face. The perpetrators were suspended and summoned for investigation. They were held accountable on the following charges:

(a) Non-observance of the laws, regulations and rules in force, in accordance with article 71 (3) of the Military Service Act;

(b) Failure to maintain, at all times, the honour, dignity and reputation of the military, in accordance with article 71 (10) of the Military Service Act;

(c) Abuse of power or overstepping the limits of their duties, in accordance with article 72 (16) of the Military Service Act.

The proceedings are still pending before the Disciplinary Board of First Instance. All criminal investigations, procedures, convictions and penalties fall within the competence of the judicial authorities, namely the Office of the Public Prosecutor and the judiciary.

Article 14

Reply to the issues raised in paragraph 22 of the list of issues

110. The Civil Code (Act No. 22 of 2004), as amended, regulates general issues of compensation, as explained below.

111. Article 199 stipulates that: “Any person who commits an act that causes damage to another party shall be liable to pay compensation for such damage.”

112. Article 200 stipulates that:

“1. All persons above the age of criminal responsibility shall be held responsible for any unlawful acts that they commit.

“2. However, where damage is caused by a person under the age of criminal responsibility who has no responsible guardian, or where compensation cannot be obtained from the guardian, the court may require the person who caused the damage to pay fair compensation, taking into account the position of all parties.”

113. Article 201 stipulates that:

“1. Damages payable by a person responsible for any unlawful act shall be limited to the loss incurred and profit forfeited, provided that the loss resulted from the unlawful act.

“2. Such loss incurred or profit forfeited shall be deemed a natural result of the unlawful act if it could not have been avoided through reasonable efforts as required in the circumstances from a normal person.”

114. Article 202 stipulates that:

“1. Compensation for unlawful acts shall cover all damages, even where such damages are moral.

“2. However, compensation for moral damages suffered as the result of a death may be granted only to the spouse and to relatives up to the second degree.”

Article 15

Reply to the issues raised in paragraph 23 of the list of issues

115. With regard to the principle of the inadmissibility of evidence obtained through torture, article 232 of the Code of Criminal Procedure (Act No. 23 of 2004) stipulates that: “Judges shall decide cases in accordance with the beliefs at which they have arrived of their own volition. Judges shall not base their judgments on any evidence not presented during the hearing or on any evidence that was obtained illegally. Any statement found to have been made by an accused person or witness under duress or threat shall not be null and void.”

116. Obtaining statements through torture is considered coercion and is prohibited. Statements proven to have been obtained through such methods cannot be considered by the courts.

Article 16

Reply to the issues raised in paragraph 24 of the list of issues

117. No attacks, intimidation or other criminal acts against human rights defenders and journalists have ever been observed in the State of Qatar.

118. Article 47 of the Constitution stipulates that freedom of opinion and academic research are guaranteed in accordance with the conditions set out by law. In addition, article 48 stipulates that freedom of the press, printing and publishing are guaranteed in accordance with the conditions set out by law.

119. The National Human Rights Committee was established to protect human rights defenders and journalists and ensure that criminal acts against them do not go unpunished.

120. According to article 3 (3) of Decree-Law No. 17 of 2010 regulating the National Human Rights Committee, the Committee is competent to “consider all abuses and violations of human rights and to resolve all reports or complaints that it receives in that connection. It can coordinate with the competent entities and suggest effective measures for addressing and preventing such incidents”. The Committee is also responsible for receiving and tracking any complaint or communication submitted by a human rights defender or journalist. The Committee can also take all necessary action in that regard to ensure the protection of journalists and human rights defenders. The Committee’s mandate to receive follow up on communications and complaints is one of the most important guarantees to ensure that the perpetrators of attacks against human rights activists and journalists are identified and punished.

121. The Doha Centre for Media Freedom, which was established pursuant to Amiri Decree No. 86 of 2007, is a private institution of public benefit that aims to support the principles of freedom, credibility, independence, responsibility, transparency and professional solidarity within the media. In accordance with its statute, the Centre provides assistance to media professionals whose rights are violated during the exercise of their profession. It also follows up on reports and complaints related to attacks on journalists to ensure that the perpetrators are brought to justice.

122. To support national and international initiatives aimed at combating impunity for crimes against journalists and human rights activists, the State has, on many occasions, helped organize national and international events to raise awareness of the dangers of impunity. These include an international conference on national, regional and international mechanisms to combat impunity and ensure accountability under international law, held in Doha in 2019.

123. In general, legal provisions that outlaw violence constitute the main guarantee against impunity for attacks committed against human rights activists and journalists. The Constitution, for example, guarantees the rule of law and the protection of victims’ rights in the event of any act of aggression. Article 129 stipulates that “the rule of law is the basis of governance in the State”, while article 135 states that all persons have a guaranteed and inviolable right of recourse to the courts, in line with procedures set forth in law. In addition, the Criminal Code (Act No. 11 of 2011) includes an entire chapter (chapter II) on crimes against human freedom and inviolability, pursuant to which all acts of aggression, regardless of their nature, that violate the victim’s rights or freedoms are punishable by imprisonment. The Office of the Public Prosecutor is responsible for identifying the perpetrators, while the courts are responsible for ensuring that the relevant legal penalties are applied. This legal framework serves to prevent impunity and provide support for journalists and human rights activists who have experienced attacks or whose legal rights or freedoms have been infringed.

Reply to the issues raised in paragraph 25 of the list of issues

124. In recent years, the State of Qatar has adopted comprehensive reforms with the aim of ensuring decent work for migrant workers and protecting their rights in accordance with international labour standards. Qatar was one of the first countries in the region to permanently dismantle its *kafalah* (sponsorship) system through the abolition of the exit permit and the removal of the requirement for workers to secure a “no-objection” from their employer before being able to change jobs, which has made it easier for workers to move between jobs. In addition, Qatar has established a non-discriminatory minimum wage for

workers, including domestic workers. This is the first of its kind in the region to include all categories and nationalities of workers. The following paragraphs detail some of the key measures and items of legislation that have been adopted recently to strengthen the rights of migrant workers and make them less vulnerable to abuse and exploitation.

Abolition of exit permits

125. Act No. 13 of 2018 abolished exit permits for migrant workers who are subject to the provisions of the Labour Code. In addition, Ministerial Decree No. 95 of 2019 removed the need for workers in the following areas to acquire authorization before leaving the country: ministries and other government bodies, public entities and institutions, oil and gas and related industries, shipping, agriculture, animal husbandry and private offices. Those categories of persons are now entitled to leave the country temporarily or definitively without the need for authorization. However, employers can submit a motivated request to the Ministry of the Interior specifying the names of any persons working in these categories who they think should be obligated to obtain the recruiter's prior approval before being able to leave the country, provided that the list of names does not exceed 5 per cent of the total number of persons employed by the recruiter. Exceptions apply only for highly skilled workers, such as chief executive officers, chief financial officers, managers in charge of overseeing the day-to-day operations of the company, and information and communication technology managers.

126. Exit permits for domestic workers were also abolished under Ministerial Decree No. 95 of 2019.

Facilitating the movement of workers and their ability to change employer

127. Following the adoption of Decree-Law No. 19 of 2020 on 30 August 2020, which amended certain provisions of the Act regulating the entry, exit and residency of migrant workers, all workers in Qatar can change employers, in accordance with the rules and procedures determined by the Ministry of Labour, without the need to obtain or obtain a certificate of no-objection. On the same day, Decree-Law No. 18 of 2020 was adopted to amend certain provisions of the Labour Code, pursuant to which both the worker and the employer have the right to terminate the employment contract without reason, provided that the party who wishes to terminate the contract notifies the other party through the electronic system maintained by the Ministry of Labour. The notification must be sent one month in advance if the worker has spent two years or less in the role, or two months in advance if the worker has spent more than two years in the role. Either party may also terminate the employment contract during the probationary period, subject to a one-month notice period. On 14 September 2020, the Ministry of the Interior issued a decree amending the implementing regulations of Act No. 21 of 2015 regulating the entry, exit and residency of migrant workers. Article 65 of the amended regulations reads as follows:

“Migrant workers may change employer in accordance with the relevant laws and regulations. The following steps must be carried out:

- “The relevant department of the Ministry of Labour must be notified, in accordance with established rules and procedures.
- “The individual's residence permit must be valid or within 90 days of the date of expiry, unless it has expired for reasons beyond the individual's control.”

128. The Ministry of Labour has established an online service for submitting notifications regarding termination of contract or change of employer, in accordance with the new procedures governing the movement of workers adopted as part of the aforementioned legislative amendments. Over the past year, the Ministry of Labour has adopted a series of procedural changes to make the process of changing employer more efficient and effective. Processing times have decreased, and new services have been added to the system, which allow workers to follow up on, check the status of or even cancel their applications. More than 242,870 workers changed employer between October 2020 and October 2021.

129. To facilitate the mobility of workers within the country, the Ministry of Labour, in cooperation with Qatar Chamber, launched a labour rotation platform, which allows employers to display vacancies and identify workers with the required skills and which allows workers to search for vacancies and submit their résumés.

130. In a historic step, Qatar introduced a non-discriminatory minimum wage pursuant to Act No. 17 of 2020 regarding a minimum wage for workers and domestic workers. The Act is applicable to all categories of workers without discrimination, irrespective of their nationality or the sector in which they work, including domestic workers. The Act includes provision for the formation of a minimum-wage committee, which was brought into being pursuant to Council of Ministers Decree No. 33 of 2020. The committee is responsible for reviewing the minimum wage in the light of economic factors, including economic growth, competitiveness, productivity and the needs of workers and their families.

131. Ministerial Decree No. 25 of 2020 sets the minimum wage for workers and domestic workers at QR 1,000 per month. If the employer does not provide adequate housing or food, workers are entitled to a minimum housing allowance of QR 500 per month and a minimum food allowance of QR 300 per month. The minimum wage came into effect in March 2021. The Ministry of Labour and Social Affairs, in coordination with employers, has amended all employment contracts for workers who were being paid less than the legal minimum, without prejudice to any other agreement providing for a higher wage.

132. Between 1 March 2021 and 31 December 2021, 299,858 workers benefited from the minimum wage rules. Many also benefited from the new requirements regarding housing and food allowances.

Introducing additional protections for domestic workers under a new standard employment contract, and developing materials to raise awareness of domestic workers' rights under the law

133. In 2021, the Ministry of Labour adopted an amended version of the unified employment contract for domestic workers, as a complement to Domestic Workers Act No. 15 of 2017. The amended contract specifies the additional rights granted to workers and clarifies the terms and conditions of work. In addition, the new employment contract grants domestic workers the same rights as other workers in the private sector with regard to overtime allowance, sick leave entitlements and contract termination. These provisions allow domestic workers to terminate the employment contract at any time, provided that they serve the notice period stipulated for all workers in the aforementioned legislative amendments.

134. Visa centres in Bangladesh, India, Pakistan and Sri Lanka are using the new standard employment contract for domestic workers destined for Qatar. Furthermore, the Ministry of Labour's digital verification system for employment contracts will be extended to include amended employment contracts for domestic workers. The Ministry of Labour collaborated with the International Domestic Workers Federation and ILO to organize a virtual celebration of the International Day for Domestic Workers on 16 June 2021. During the celebration, a panel discussion was held with the participation of representatives from the Ministry of Labour, the Ministry of the Interior, the *Ensaniyat* initiative and the International Domestic Workers Federation, in addition to a representative of domestic workers in Qatar. The discussion highlighted the impact of the country's labour reforms on domestic workers and the role of employers in supporting decent work for this category of workers.

135. To ensure that workers are aware of their rights, the Ministry of Labour has published a revised version of *Know Your Rights: A Guide for Domestic Workers in Qatar* in twelve languages, in addition to an employers' guide on employing domestic workers in Qatar, in partnership with the NGO Migrant Rights. These guides have been disseminated widely, including via social media, government offices, Qatari visa centres, embassies and the International Domestic Workers Federation.

136. The Ministry of Labour, in collaboration with the Doha office of the ILO, is currently designing and developing a training programme for registered private employment agencies in Qatar on the topic of decent work for domestic workers. Building on the vital role that employment agencies play in the employment relationship between domestic workers and employers, the training will focus on raising awareness and increasing understanding of the relevant legal frameworks and on providing practical guidance on fair employment and on the management of labour disputes. The Ministry will run the course in coordination with the Philippine Bureau of Employment in Qatar, the International Domestic Workers Federation and the ILO.

Access to justice: Labour dispute resolution committees

137. Qatar has enhanced its mechanisms for handling complaints. New online platforms have been developed to receive complaints, and internal support mechanisms have been created to ensure that cases are ready to be heard following their referral from the conciliation board. Two new departments have been established within the Ministry: one to receive and settle complaints from domestic workers, and another to review complaints referred to the courts to ensure that all pending cases are duly addressed. In addition, an office for the enforcement of rulings handed down by the labour dispute resolution committees has been opened at the headquarters of the Ministry. Its purpose is to facilitate and streamline workers' interactions with the committees and ensure that rulings are promptly enforced, including rulings to seize property and assets of companies against whom rulings have been issued. These decisions are accessible online via the websites of the relevant government offices. In order to facilitate workers' exercise of their rights and to speed up judicial proceedings, the Ministry is currently seeking to increase the number of labour dispute resolution committees so that a greater number of cases can be dealt with. The Ministry also continuously evaluates the submission of labour complaints, the settlement processes and the labour dispute resolution committees.

138. Between October 2020 and October 2021, the Ministry received more than 64,650 complaints online and in person. Some 75 per cent of these complaints have been resolved, 24 per cent have been referred to the labour dispute resolution committees, and 1 per cent are still under review.

139. A guide to the Labour Code is under development. It will be translated into various languages and will include a legal reference for the most common types of workers' rights violations. A booklet is also being prepared on frequently asked questions regarding the complaints procedure, which will cover the submission of complaints, the conciliation process, the hearing before the labour dispute resolution committees and the implementation of decisions. This resource will help workers and employers better understand and prepare for the different stages of the complaints process.

Establishment of the Workers' Support and Insurance Fund

140. The Workers' Support and Insurance Fund was established pursuant to Act No. 17 of 2018 for the purpose of providing sustainable financial resources to support workers and to disburse their entitlements under decisions handed down by the labour dispute resolution committees in the event that the employer concerned is insolvent or otherwise unable to pay. The sums disbursed are to be subsequently collected from the employers. Since its establishment, the Fund has disbursed financial entitlements to 5,803 workers for a total value of QR 15,919,844 (equivalent to \$4.37 million). At a meeting of the managing board of the Fund in November 2021, it was decided to pay an additional QR 52 million (\$14.28 million) to 3,000 workers.

Establishment of joint labour committees

141. Ministerial Decree No. 21 of 2019 sets out the conditions and procedures for electing worker representatives to joint committees, in line with article 125 of the Labour Code. This is an important step in the reform process and reflects the concrete efforts made by the State to enhance the voice of workers. The joint committees serve as a platform for dialogue between workers and employers and for the study and discussion of all work-related issues in the enterprise. With the formation of these joint committees, Qatar has moved ahead of many other countries in the region with regard to the promotion of workers' rights, especially as the committees are formed through direct election.

Establishment of Qatari visa centres

142. In cooperation with the Ministry of the Interior, Qatari visa centres have been established in workers' countries of origin to ensure speed and transparency in the recruitment process. At these centres, workers can have their fingerprints taken, receive medical examinations and process documentation for work contracts via integrated online services that are fast and easy to use. The provision of such services in countries of origin ensures that workers are not charged fees for recruitment and allows them to read the work contract in their native language before signing it while they are still in their home country,

which helps protect them from exploitative practices and ensures that they have a signed employment contract that protects their rights before they enter Qatar.

Adoption of the annual programme of work

143. The annual programme of work is a set of initiatives aimed at developing measures and procedures to regulate recruitment and fair employment. These include regulations to prevent the use of recruitment fees and ensure that all recruitment goes through licensed recruitment companies that respect workers' rights. In addition, recruiters in Qatar can partner only with companies that comply with the provisions of the law and with the ILO general principles and operational guidelines for fair recruitment. To support these aims, the Government has established partnerships with the private sector and has introduced capacity-building activities; for example, a public-private partnership has been established to carry out a pilot project on fair employment between Bangladesh and Qatar in the construction sector. In addition, the Government has developed a strategy with the aim of building capacity in the hotel and security sectors and, to this end, the authorities have been working with joint labour groups to exchange knowledge and develop best practices for recruitment and for workers' rights protections. On the basis of these collaborations, the Government has developed a new guide on employment in the hotel sector in Qatar.

Adoption of a labour inspection policy

144. A labour inspection policy and an occupational health and safety policy have been adopted to ensure a more strategic, coordinated and data-driven approach to those areas and to inform training strategies, information campaigns, inspection visits and investigations into occupational accidents. A comprehensive training plan for 2019–2021 was developed. All labour inspectors receive training on various topics, including labour inspection skills, labour laws, forced labour and human trafficking. Actions have also been taken to strengthen the capacity of the Labour Inspection Department and increase the number of inspectors with a view to making inspections more rapid and effective. In 2019, the Labour Inspection Department produced an annual report on enhancing transparency and accountability in inspection services, in line with the requirements of the ILO Labour Inspection Convention, 1947 (No. 81).

Adoption of an occupational health and safety policy

145. The occupational health and safety policy was prepared in cooperation with the Ministry of Public Health and in consultation with employer and worker representatives. The aim of the policy is to strengthen the system for recording workplace injuries and occupational illnesses, improve data collection and analysis, raise public awareness, enhance training, develop the inspection system and foster the exchange of best practices between authorities at various levels. A comprehensive file on health and safety and on environmental safety has been developed in collaboration with ILO and the Health and Safety Executive of the United Kingdom. ILO will soon publish a report on work-related injuries and deaths in Qatar, prepared by an independent expert.

Adoption of new legislation to protect workers from heat stress

146. On 24 May 2021, Ministerial Decree No. 17 of 2021 was adopted, which set out the precautions necessary to protect workers from heat stress. Among other things, it increased the time period during which outdoor working is prohibited in summer: from 1 June to 15 September, outdoor work is now prohibited between the hours of 10.00 a.m. and 3.30 p.m. The new legislation also requires all outdoor work activities to cease when the wet bulb globe temperature (which combines ambient temperature, humidity and solar radiation) exceeds 32.1 degrees, regardless of the time of day or the season. Under this legislation, employers are required to conduct a thermal stress risk assessment to ensure that comprehensive strategies are in place to mitigate such risks, taking into account the specific nature of work in a given location. The legislation also mandates annual medical check-ups for outdoor workers to ensure that the necessary precautions are taken to protect individuals who are vulnerable to heat-related health disorders. The Ministry worked closely with the Supreme Committee for Delivery and Legacy and with ILO to conduct field research that served as the basis for the new measures. The Ministry of Labour organizes annual awareness-raising and inspection campaigns to ensure compliance with the summer restrictions on outdoor

work and protect workers from heat stress, which has helped reduce the number of injuries significantly. As a result of field visits carried out by the Ministry's inspectors at work sites between 1 June and 15 September 2022, 338 violations were identified, and closure notices were issued against the companies responsible.

Enhancing legal protections for domestic workers

147. The State has adopted a policy clearly aimed at strengthening legal protections for domestic workers, especially women, upholding their rights in accordance with international labour standards, providing them with legal remedies on an equal basis with other workers, without discrimination, and providing shelter and protection for victims. The State is striving continuously to achieve those aims. The *kafalah* system has been dismantled and permanently abolished in order to protect migrant and domestic workers, facilitate their movement within the labour market and guarantee their right to leave the country, thereby making them less vulnerable to abuse and exploitation.

148. According to article 7 of Domestic Workers Act No. 15 of 2017, employers must treat their workers in a manner that preserves their dignity and bodily integrity. Employers must not endanger workers' lives or health or cause them physical or psychological harm of any sort. According to article 17, if the employer or a member of the employer's family assaults the worker physically or threatens his or her life, the worker may terminate the employment contract before the end of term while retaining the right to any end-of-service bonuses. The employer may also be liable to criminal penalties in accordance with the Criminal Code.

149. These offences are addressed in full in the chapter of the Criminal Code dedicated to assault against the person. The chapter covers physical assault and assault against honour, as well as rape, which can attract the death penalty. These provisions constitute an important deterrent to violence against women.

150. To protect and support domestic workers who wish to change employer in the event of abuse by the employer, the Government has established shelters for victims, primarily female domestic workers.

151. The Ministry of Labour has collaborated with the ILO International Training Centre in Turin to organize online training courses on the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the ILO Violence and Harassment Convention, 2019 (No. 190). Launched in December 2021, these courses are targeted at employees of NGOs, private sector workers and government officials, including those working in the Ministry of Labour.

152. The Ministry of Labour provides multiple modern and easy avenues through which workers and domestic employees can submit complaints, such as a hotline and the "Amerni" app. Furthermore, the Ministry recently launched a unified electronic platform to allow workers, including domestic workers, to submit complaints and reports of human rights violations via the Internet. The platform will, for the first time, enable workers to submit complaints anonymously.

153. The Ministry of Labour has established a department to handle complaints submitted by domestic workers. Workers, including domestic workers, can also submit complaints to the Human Rights Department of the Ministry of the Interior, which has the authority to examine complaints in coordination with the Office of the Public Prosecutor and other competent State authorities. Complaints can also be submitted to the National Human Rights Committee. The availability of these avenues of complaint is helping build confidence among workers.

154. In accordance with article 5 of Anti-Human Trafficking Act No. 15 of 2011, the State has a duty to guarantee the physical and mental well-being of vulnerable domestic workers, including by providing them with health, educational and social care and working to create appropriate conditions for their rehabilitation and integration into society in a manner that is respectful of their needs and human dignity. To implement these provisions effectively, the State provides shelters for victims. These include the Comprehensive Safety Home, which is affiliated to the AMAN Protection and Social Rehabilitation Centre, one of the bodies that operates under the aegis of the Qatar Foundation for Social Action. The Home acts as a safe haven, offering a comprehensive social and health-care environment in which protection and rehabilitation services can be delivered to the target groups, including victims of human

trafficking, primarily female domestic workers. In addition, a humanitarian care shelter was recently inaugurated, following cooperation between the National Committee for Combating Human Trafficking and the Qatar Red Crescent. The shelter provides protection and social care services for vulnerable workers. The relevant State authorities have instituted mechanisms for receiving workers' complaints, providing accommodation and carrying out the relevant procedures. Workers can submit complaints either via the website of the National Committee for Combating Human Trafficking or via the Security Directorate, to which regular criminal reports are submitted. In addition, the competent authorities work together to submit cases of human trafficking to the National Committee so that legal action can be taken without delay.

155. As an example of the sentences issued against perpetrators, in November 2020 the criminal court of first instance sentenced two defendants to a term of imprisonment of 10 years with hard labour and a fine of QR 200,000 for human trafficking offences against two domestic workers. The court's decision stipulated that the defendants were jointly obligated to pay each plaintiff QR 1 million in compensation. The case was investigated by the competent authorities, namely the police, the Office of the Public Prosecutor and the National Committee for Combating Human Trafficking, and all measures were duly taken to provide the victims with care and protection before, during and after the investigation. The victims were placed in the AMAN Protection and Social Rehabilitation Centre after receiving the necessary medical treatment.

156. Qatar has abolished exit permits and has recognized the right of migrant workers to depart the country freely. This means that the *kafalah* system has been dismantled and abolished once and for all.

157. Decree-Law No. 19 of 2020 was adopted to amend certain provisions of Act No. 21 of 2015 regulating the entry, exit and residency of migrant workers, while Decree-Law No. 18 of 2020 was adopted to amend certain provisions of the Labour Code (Act No. 14 of 2004). The purpose of these new laws is to facilitate the movement of workers from one employer to another while they are resident in Qatar. The new system is more flexible and allows migrant workers who are subject to the provisions of the Labour Code to move freely within the labour market, in line with international labour standards.

158. Under these amendments, both sides in an employment contract (whether fixed-term or indefinite) can, once the probationary period has finished, terminate the contract without the need to provide a reason. This is conditional upon the party who wishes to terminate the contract providing the other party with written notification of his or her intentions. At least one month's notice must be given during the first and second year of employment, and two months' notice following the completion of the second year. Workers may terminate a contract of employment during the probationary period in order to move to another employer on the condition that they provide the first employer with written notification of their intention at least one month before terminating the contract. The new employer is obliged to compensate the contracting employer for the cost of the worker's ticket and recruitment fees. The compensation may not exceed two months' basic wages.

159. The new legislation also introduces a new subparagraph (subparagraph 5) to article 51 of the Labour Code, which permits workers – if a labour dispute resolution committee rules in their favour – to terminate a contract of employment before its expiry date and without informing their employer while still retaining their full rights to an end-of-service bonus.

160. In collaboration with the Qatar Chamber, a programme to re-employ and retain skilled migrant labour has been rolled out with the launch of an online platform to rotate migrant workers within the local market. The aim of the programme is to give companies in need of labour the possibility of contracting workers who are already in the country but who have been laid off as a consequence of the COVID-19 pandemic.

Reply to the issues raised in paragraph 26 of the list of issues

161. With regard to the abolition of the death penalty, it should be noted that Islamic sharia is a major source of law in Qatar, in accordance with article 1 of the Constitution, which states that: "Qatar is an independent and sovereign Arab State. The religion of the State is Islam, and Islamic sharia is a primary source of its legislation."

162. Article 1 of the Criminal Code stipulates that the provisions of Islamic sharia apply to the following offences (only where committed by a Muslim):

- *Hudud* crimes (crimes for which punishments are stipulated in the Qu’ran) relating to theft, adultery and fornication, slander or defamation, the consumption of alcohol and *hirabah* (waging war against God and society);
- *Qisas* crimes (crimes punishable by retribution in kind) and *diyyah* (compensation paid to victims’ heirs).

163. With reference to the Criminal Code, it is clear that the death penalty is applicable only to the most serious crimes, including:

- Crimes against the external security of the State (arts. 98–103);
- Crimes against the internal security of the State (arts. 120–132);
- Murder with aggravating circumstances, such as premeditation, use of a toxic or explosive substance, or murder of an antecedent (art. 300).

164. The Code of Criminal Procedure sets out a number of guarantees for persons sentenced to death:

- The death sentence must be agreed unanimously by the judges of the court that hands down the sentence.
- Prosecutors are legally obligated to submit the sentence to a higher court, even if the defendant does not appeal against the ruling.
- A death sentence must not be carried out immediately.
- Persons sentenced to death must be granted a stay of execution if they request that the case be reconsidered or if they lodge a challenge against the sentence.
- Persons under the age of 18 years cannot be sentenced to death.
- The death penalty must not be carried out on official holidays or on holidays of the convicted person’s religion.
- For pregnant women, the death penalty is transmuted to life imprisonment in the case of *ta’zir* offences (those for which no punishment is specified in the Qu’ran). In the case of *hudud* or *qisas* offences, the death sentence is suspended until two years after the woman has given birth.
- All death sentences must be approved by the Head of State (His Highness the Amir).

165. In the light of the above, it can be concluded that the philosophy behind the death penalty and the provisions regulating its implementation are related to public order. The abolition of the death penalty remains a problematic matter. It is the subject of continued debate within comparative criminal law, and there is no international consensus on the issue. Moreover, some countries that had abolished the death penalty have since reinstated it in response to their real-world experience of its criminal and social impact.

Other issues

Reply to the issues raised in paragraph 27 of the list of issues

Legal safeguards available to persons subjected to anti-terrorism measures

Commentary

The following laws set out the legal guarantees for defendants during criminal investigations and evidence-gathering procedures, including for terrorist offences:

- The Code of Criminal Procedure (Act No. 23 of 2004) sets out the duties of law enforcement officials and the arrest and search procedures to be followed (arts. 27–36).
- The Anti-Terrorism Act (No. 27 of 2019) contains the following guarantees:

- The Office of the Public Prosecutor, as the competent judicial investigative authority, has exclusive jurisdiction to initiate criminal proceedings in the case of terrorist crimes.
- The Office of the Public Prosecutor has the exclusive right to seize letters, publications, parcels and telegrams of all kinds, to monitor all forms of communications and to record what is happening in public or private places wheresoever such actions serve the investigation into terrorist crimes. All seizure or surveillance orders issued in this connection must set forth the reasons for their issuance.
- The Office of the Public Prosecutor has the exclusive right to view or obtain any and all data or information relating to accounts, deposits, trusts, strongboxes, transfers or any other transactions involving banks or other financial or non-financial institutions, wheresoever such action serves the investigation into terrorist crimes.
- The Ministry of the Interior has issued a guide entitled “Ethics in security work”. The document provides a set of ethical, professional and behavioural standards for police, including the following:
 - Police and law enforcement officers must ensure that all measures taken to combat criminals, whether during investigation, arrest or detention, remain within the framework of the law and in line with professional ethics.
 - Police and law enforcement officers must not abuse the power granted to them by their status, influence or level of responsibility.

These safeguards and standards constitute a frame of reference for ensuring that human rights are upheld during all efforts to combat terrorism.

The gathering of data on the number of persons convicted under anti-terrorism legislation does not fall within the competence of the Ministry of the Interior.

Measures taken to address terrorist threats

Commentary

Despite being a stable country that does not suffer from terrorism and that has achieved high regional and global rankings in the Global Peace Index, Qatar has always supported regional and global efforts to combat terrorism, including by helping mitigate the consequences for affected communities, mobilizing international anti-terrorism efforts and proposing solutions. Its efforts in that regard include the following:

- Qatar is a founding member of the Global Community Engagement and Resilience Fund, which aims to strengthen States’ capabilities to counter violent extremism. Qatar is one of the main donor countries to the Fund, having contributed \$5 million.
- On 6 May 2015, Doha hosted the seventh meeting of the Global Counterterrorism Forum Coordinating Committee. This was the first time that the Committee had met in the Middle East, and there was a large international presence.
- On 31 August 2005, the Permanent Mission of the State of Qatar to the United Nations, in cooperation with the World Organization and Columbia University in the City of New York, organized a symposium on preventing and combating violent extremism and supporting the rehabilitation and reintegration of children and young people affected by such extremism. Participants included representatives of United Nations Member States, experts in the field of preventing and combating extremism and representatives of NGOs working in the field.

(4) The principle of absolute prohibition of torture

Commentary

Torture is prohibited by law in Qatar, as outlined below:

- Article 36 of the Constitution explicitly prohibits torture. It states that: “No person may be subjected to torture or degrading treatment. Torture is a crime punishable by law.” This article therefore grants clear constitutional protection to the right of individuals not to be tortured. It also reflects the absolute nature of the prohibition of torture. No restrictions on this right may be invoked for exceptional circumstances, whether in the event of war, threat of war or state of emergency. This is in line with article 2 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 4 of the International Covenant on Civil and Political Rights.
- Article 40 of the Code of Criminal Procedure stipulates that: “No person may be arrested or imprisoned except by order of the competent authorities and in the cases prescribed by law. All arrested or imprisoned persons shall be treated in a manner that preserves their human dignity. They shall not be subject to physical or moral harm.”
- Articles 159 to 164 of the Criminal Code explicitly criminalize torture:
 - Article 159 states that: “Any public official who uses torture, force or threats against an accused person, witness or expert, or who orders such action with the aim of forcing another person to provide a confession, statement or information relating to the offence or of concealing any such particulars, shall be punished by imprisonment for a term of up to 5 years. If the act leaves the victim with a permanent injury, the offender shall be punished by imprisonment for a term of up to 10 years. If the act leads to the victim’s death, the offender shall be punished by death or life imprisonment.”
 - In accordance with articles 160 and 161, it is unlawful for public officials to use the authority invested in them to cause harm or to derive unlawful benefit for themselves or others. They are also prohibited from treating any other person cruelly during the performance of their duties or forcing another person to act unlawfully. Punishment for such acts is imprisonment for a period of up to 3 years and/or a fine of up to QR 10,000.
 - Article 48 of the Criminal Code stipulates:

“Acts committed by public officials shall not be considered crimes where the public official:

“(1) Carries out an order from a superior which he or she must obey or believes is obligatory;

“(2) Implements the provisions of the law or believes, in good faith, that the application of the law in the circumstances falls within his or her competence.”

However, legislators have placed safeguards on these provisions, whereby officials are required to show that they did not commit the act until after verification and investigation, and that they believed the act to be lawful and that their belief was based on reasonable grounds. Since it is inconceivable that an act of torture could be committed in good faith or in the belief that it was lawful, it follows that no exception is made to the principle of absolute prohibition of torture.

Lastly, in order to keep pace with international standards on the prevention of torture, in mid-2010 the legislature addressed an important issue that had repeatedly been raised by the Committee against Torture during discussion of the periodic reports of Qatar, namely the need to include a precise definition of torture in domestic criminal legislation, in parallel with the definition contained in article 21 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. To resolve this issue, Act No. 8 of 2010 amending the relevant provisions of the Criminal Code (No. 11 of 2004) was adopted, whereby a new article 159 bis was added to the Criminal Code setting out the basic elements of the definition of torture as contained in the Convention.

Reply to the issues raised in paragraph 28 of the list of issues

166. Qatar took preventive and precautionary measures to ensure compliance with the Convention while protecting the public from the spread of the pandemic. These policies have continued to be applied in coordination with the competent authorities to ensure that all cases

of torture or violence are detected and reported and that the victims receive treatment, rehabilitation and support for their social reintegration.

167. In Qatar, emergency care services are free, and primary health-care services are provided at a nominal price, which ensures that all sick persons have access to health care and that no one is denied treatment. During the COVID-19 pandemic, visits to many health centres and clinics were suspended, to be replaced with remote consultations. Urgent and emergency services continued in person, however, to ensure that everyone in need received the necessary care. High-risk services, where social distancing requirements could not be met, were suspended, except in emergency cases. Essential public sector services continued to operate, such as health services for persons with special needs, older persons and persons with disabilities, in hospitals classified as being “free from COVID-19”. Medical consultations were conducted remotely, and a team of medical staff was appointed to contact older persons, persons with disabilities and their carers to check on their physical and mental well-being and decide whether an in-person visit was required. In addition, Hamad Medical Corporation worked with the World Health Organization on a prevention campaign to protect older persons from the risks presented by COVID-19. The Ministry of Public Health ensured that all segments of society, without discrimination, received vaccinations at the allocated time. A 24-hour call centre was established within the Ministry to receive reports and inquiries related to the disease.

General information on other measures and developments relating to the implementation of the Convention in the State party

Reply to the issues raised in paragraph 29 of the list of issues

International treaties that the State of Qatar has recently acceded to and ratified

168. Civil and political rights serve to protect individual freedoms against abuse and guarantee that persons can participate in civil and political life without discrimination. The Permanent Constitution of Qatar stipulates that all citizens on national territory have these rights.

169. In recent years, legislators have introduced fundamental legislative reforms across a wide range of areas with a view to strengthening the human rights infrastructure. These efforts are part of a new stage in the process of protecting human rights. As an affirmation of its commitment in this regard, the State has ratified a number of treaties and issued several decrees, including the following:

- Decree No. 6 of 2018 amending certain provisions of Decree No. 27 of 2001 on the accession of Qatar to the Convention against Torture;
- Decree No. 40 of 2018 ratifying the accession of Qatar to the International Covenant on Civil and Political Rights;
- Decree No. 41 of 2018 ratifying the accession of Qatar to the International Covenant on Economic, Social and Cultural Rights.

170. Qatar is committed to fulfilling its obligations under the International Covenant on Civil and Political Rights. Its duty in this regard is enshrined in article 6 of the Constitution – according to which the State is to respect international conventions and treaties and to seek to implement the instruments to which it is a party – as well as in recent legislation.