



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Replies of Qatar to the list of issues in relation to its initial  
report\***

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\* The present document is being issued without formal editing.



## **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

### **The Covenant in the domestic legal order**

1. The State of Qatar acceded to the International Covenant on Civil and Political Rights on 21 May 2018 under Decree No. 40 of 2018, and the Covenant came into force on 21 August 2018. Article 1 of the Decree states that the Covenant has force of law under article 68 of the Constitution, with due allowance for the reservations and declarations contained in the document of accession. The Covenant was published in the Official Gazette No. 15 on 21 October 2018.
2. In accordance with article 68 of the Constitution, Qatar undertakes to enforce international treaties on its territory under the general principle of unity of law. This means that the State adheres to its obligations under those treaties via its agencies, institutions and authorities once the treaties in question have been ratified and published, by decree, in the Official Gazette. Nonetheless, peace treaties and treaties concerning State territory, sovereign rights, the public or private rights of citizens or amendments to domestic law can only be enforced once a law to that effect has been passed.
3. This constitutional provision entails an obligation on the State to amend its existing legislation and bring it into line with the Covenant, with due consideration for the reservations and declarations contained in the document of accession. Future legislation must, likewise, be consistent with the treaties to which Qatar is a party.

### **Application of the Covenant by the courts**

4. Accession has meant that the Covenant has become a piece of binding domestic legislation in Qatar. Moreover, article 33 of the Civil Code (Act No. 22 of 2004) states: “The provisions of the preceding articles shall not be applied if they are inconsistent with a specific law or with the international treaties in force in Qatar.” This means that any interested party can invoke and apply the provisions of the Covenant in any dispute that comes before the courts. However, since domestic legislation, which is binding upon judges, is consistent with the principles enunciated in the Covenant, there have, in fact, been no cases in which the Covenant has been directly invoked.

### **Ranking of the Covenant among sources of internal law**

5. Qatar respects the standards deriving from the international conventions that have become part of national legislation and from the international treaties to which it has acceded, and it undertakes to amend its domestic legislation to bring it into line with those instruments and with international law. This contributes to the consolidation of the rule of law at both the national and the global levels. This principle is explicitly 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. The applicability of more recent laws with respect to older pieces of legislation is covered in article 33 of the Civil Code (Act No. 22 of 2004), which states: “The new law shall apply to all cases from when it enters into force, unless otherwise provided therein.”
6. In order to ensure that international standards take precedence in practice, the State forms committees to examine existing national legislation in the light of those standards, then develops the optimal strategy whereby to amend any conflicting provisions or to propose the enactment of new provisions, while taking due account of State sovereignty and national beliefs.
7. As regards the accession of Qatar to the two human rights Covenants, a committee has been formed to examine current legislation and determine to what extent it is consistent with those instruments. The committee – which was set up under Decree No. 27 of 2018 of the Council of Ministers, issued during its ordinary meeting held on 10 October 2018 – is

chaired by the Secretary-General of the Council of Ministers and its membership is drawn from a number of stakeholders in the State.<sup>1</sup>

### **Ratification of the Optional Protocol**

8. Political will in Qatar tends to support the trend towards ratifying an increasing number of treaties and optional protocols which, the State firmly believes, are vital for the protection and promotion of human rights. Nonetheless, the State has also embraced the principle of gradual accession, as it believes that quality is more important than quantity. The State, in fact, strives to reconcile its domestic legislation with international treaties and this means that the approach to accession must be unhurried. Treaties need to be studied and their consistency with local laws and legislation needs to be examined in order to ensure that, once the State has acceded, they can actually be enforced.

### **Reservations**

9. From time to time, Qatar reviews its reservations to all international human rights treaties. No specific time frame has been established for the consideration of the reservations to the International Covenant on Civil and Political Rights.<sup>2</sup>

### **Operational mechanism of the National Committee for Human Rights**

10. Act No. 12 of 2015 amending certain provisions of Decree-Law No. 17 of 2010 governing the National Committee for Human Rights grants the Committee greater independence and provides immunity and legal safeguards for it and its members.

11. See paragraph 19 of the initial report.<sup>3, 4</sup>

12. The National Committee for Human Rights is funded by the Government and is not subject to any financial control authority. Article 1 of Decree-Law No. 17 of 2010 governing the National Committee for Human Rights states: “The National Committee for Human Rights has legal personality and an independent budget.” For its part, article 4 of Act No. 12 of 2015 amending certain provisions of Decree-Law No. 17 of 2010 reads: “The Committee enjoys full independence in the exercise of its human rights activities. Members of the Committee may not be held accountable in criminal or disciplinary proceedings for opinions or statements expressed before the Committee or its subcommittees with respect to matters that fall within its purview. Except in cases of flagrante delicto, it is not permissible to enter or search the Committee’s headquarters, branches or offices, except in the presence of at least one public prosecutor and in accordance with an order from the competent judge.”

### **Participation of civil society institutions**

13. Qatar respects civil society organizations, which it sees as part of the human rights system and of the mechanisms to protect and promote such rights. Before it was adopted, the initial report was sent to the Qatar Foundation for Social Action and to the National Committee for Human Rights for them to express their views thereon. Both bodies made their opinions known and a number of those opinions were incorporated into the final text of the report as submitted.

### **Follow-up to the concluding observations of treaty bodies**

14. The State is committed to the fulfilment of its international human rights obligations, which it considers to be an important duty. Under Decree No. 44 of 2007, the Deputy Prime Minister and Minister for Foreign Affairs established a section for human rights treaty bodies in the Human Rights Department at the Ministry of Foreign Affairs. The section is in charge of drawing up plans and proposals for implementing the recommendations of treaty- and non-

<sup>1</sup> See paragraph 296 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](#).

<sup>2</sup> See paragraph 3 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](#).

<sup>3</sup> See paragraph 19 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](#).

<sup>4</sup> Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), Chart of the Status of National Institutions, May 2019.

treaty-based human rights mechanisms, in coordination with the competent organs of State. Thanks to this, Qatar has a 100 per cent record in submitting its reports under international human rights treaties on time, which is the highest classification according to statistics issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the period 2017–2019.<sup>5</sup>

15. Qatar is currently examining the possibility of creating a standing national committee responsible for submitting reports to international and regional human rights treaty bodies and for implementing the recommendations those bodies make. It is important, in fact, to have a government body responsible for monitoring the enforcement of recommendations issued by those mechanisms.

## **States of emergency, counter-terrorism measures and surveillance (arts. 2, 4, 6, 7, 9, 14 and 17)**

### **Coronavirus disease (COVID-19) pandemic**

16. Qatar remains determined to abide by the highest international standards in the promotion and protection of the rights of citizens and residents under the current global health crisis occasioned by the coronavirus disease (COVID-19) pandemic. Under its Constitution and domestic legislation, Qatar guarantees the right to health. In addition, it has adopted the National Health Strategy 2018–2022, which defines the State’s priorities when defending the health of its citizens and residents during states of emergency. Qatar has also ratified a number of international and regional treaties, which explicitly or implicitly envisage the right to health.

17. The Government has rolled out a series of urgent measures to contain and control the COVID-19 pandemic and to safeguard the health and well-being of all citizens and residents, without discrimination. The steps taken include the following:

- Launching the Supreme Committee for Crisis Management and developing a four-stage national plan for the gradual lifting of COVID-19 restrictions;
- Taking a number of precautionary measures to prevent the spread of the disease, such as suspending flights, cancelling events and banning gatherings including gatherings in mosques, other religious centres and the Religious Complex;
- Coordinating with churches in the Religious Complex so that services can be held remotely via the website of each church;
- Exempting churches in the Religious Complex from payment of electricity and water bills for a period of eight months, in coordination with the Ministry of Commerce and Industry;
- Launching a remote learning system for State-run schools and universities as well as remote working for State officials aged 55 and over, pregnant women and persons suffering from chronic diseases;
- Designating a number of health centres to conduct free COVID-19 tests for citizens and residents, including workers;
- Issuing thermometers for use in State institutions and in places where persons are obliged to gather;
- Creating two temporary medical facilities to provide care for cases of mild COVID-19 infection among workers and artisans, with a capacity of 4,645 beds;
- Increasing stocks of strategic foodstuffs and consumer goods;
- Qatar Central Bank has issued a circular to banks and financial institutions operating in the country regarding the postponement of loan repayments and of the interest or returns due on those loans, for parties in affected sectors who wish to avail themselves of such an opportunity;

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<sup>5</sup> See <https://treaties.un.org>.

- The Emir has issued amnesties for a number of prisoners in the light of the health and humanitarian conditions resulting from the COVID-19 pandemic;
- Raising awareness among migrant workers regarding the measures they need to take to avoid COVID-19 via text messages and educational films in a number of languages;
- Conducting inspection campaigns in companies and among employers to verify compliance with occupational health and safety standards and to ensure that employers are duly paying their employees' wages;
- Setting a maximum number of workers and passengers on buses, with a limit of no more than 50 per cent capacity;
- Activating the 16000 Qatar COVID-19 hotline;
- Providing all workers with the necessary treatment free of charge, irrespective of their legal status in Qatar.

18. So far, Qatar has adopted a policy of not imposing a complete ban on movement within the country during the COVID-19 pandemic. And, although some of the measures taken by the State, as listed above, do place restrictions on freedom of movement, freedom of assembly and privacy, they are intended to protect the common interests of society in exceptional circumstances. Nonetheless, Qatar has been tireless in its efforts not to diminish the rights enshrined in the Covenant during the pandemic and does not consider that it has encroached on those rights in such a way as would necessitate other States parties being informed by the Secretary-General of the United Nations.

#### **Combating terrorism**

19. Domestic anti-terrorism legislation is consistent with the rights enshrined in the Covenant. The Constitution safeguards public rights and freedoms, which may be neither restricted nor derogated under the pretext of regulating or amending them. In fact, article 146 states that the provisions regarding public rights and freedoms may be amended only in order to increase safeguards for citizens.

#### **Definition of terrorism in the relevant legislation**

20. The definition of terrorism in domestic legislation is drawn from international counter-terrorism instruments ratified by Qatar. The State has been at pains to distinguish between the definition of a terrorist act, of a terrorist crime, of a terrorist and of a terrorist entity.

21. Accordingly, in article 1 of Anti-Terrorism Act No. 27 of 2019, legislators defined a terrorist crime and a terrorist act in the following terms:

- *Terrorist crime*: Any offence envisaged in the present Act, and any offence envisaged in the Criminal Code or in any other law, that is committed for the purpose of accomplishing or carrying out a terrorist act, or for the purpose of calling for such an offence to be committed or of threatening such an offence.
- *Terrorist act*: 1. Any act intended to cause death or serious bodily injury to a person who is not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act. 2. Any act that constitutes a crime under any of the following treaties: Convention for the Suppression of Unlawful Seizure of Aircraft, of 1970; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1971; Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973; International Convention against the Taking of Hostages, of 1979; Convention on the Physical Protection of Nuclear Material, of 1980; Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, of 1988; Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, of 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, of 1988, as amended by the Protocol of 2005; International Convention for the Suppression of Terrorist Bombings, of 1997;

International Convention for the Suppression of the Financing of Terrorism, of 1999.

3. Any act that constitutes a crime under any other international anti-terrorism treaties to which the State is a party.

22. In article 1 of Anti-Money Laundering and Financing of Terrorism Act No. 20 of 2019, legislators defined a terrorist act, a terrorist and a terrorist entity in the following terms:

- *Terrorist act:* 1. Any act that constitutes a terrorist crime in accordance with anti-terrorism laws or with international anti-terrorism treaties to which the State is a party. 2. Any act intended to cause death or serious bodily injury to a person who is not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.
- *Terrorist:* Any natural person who deliberately perpetrates any of the following acts:
  - (a) Unlawfully commits or attempts to commit terrorist acts by any means, either directly or indirectly;
  - (b) Participates as a co-perpetrator in terrorist acts;
  - (c) Organizes terrorist acts or directs others to commit such acts;
  - (d) Participates with a group of persons working with a common intent to commit terrorist acts, with the aim of escalating terrorist activity or with knowledge of the group's intention to commit a terrorist act.
- *Terrorist entity:* Any group of terrorists who deliberately perpetrate any of the following acts:
  - (a) Unlawfully commit or attempt to commit terrorist acts by any means, either directly or indirectly;
  - (b) Participate as co-perpetrator in terrorist acts;
  - (c) Organize terrorist acts or direct others to commit such acts;
  - (d) Participate with a group of persons working with a common intent to commit terrorist acts, with the aim of escalating terrorist activity or with knowledge of the group's intention to commit a terrorist act.

### **Pretrial detention**

23. The State does not resort to pretrial detention unless there is sufficient evidence to attribute an offence to an accused person and unless the crime involved attracts a prison term in excess of 6 months. Legislators have addressed the question of pretrial detention under Anti-Terrorism Act No. 27 of 2019 and the Code of Criminal Procedure (Act No. 23 of 2004), which provide the following safeguards:

- Accused persons are immediately informed of the reasons for the detention, of the charges against them and of their right to contact a person of their choice and to appoint a lawyer.
- The Public Prosecution Service does not issue an order for pretrial detention until after it has questioned the accused.
- As an alternative to pretrial detention, prosecutors may order one of the following measures: 1. Requiring accused persons not to leave their home or neighbourhood; 2. Placing accused persons under police surveillance; 3. Requiring accused persons to present themselves at a police station at certain times; 4. Requiring accused persons to refrain from frequenting certain locations; 5. Prohibiting accused persons from engaging in certain activities.
- In the case of non-terrorist crimes, prosecutors have the authority to place suspects in pretrial detention for four days, which may be extended for an equivalent period. In the case of specific offences that are liable to damage the national economy, the period is eight days, extendible for an equivalent period. For longer periods, when the interests of the investigation require that an accused person be held in custody, the Public Prosecution Service must apply to a judge of the court of first instance. Pretrial

detention may not exceed six months, except in the case of major offences and under an order from the competent criminal court.

- Accused persons are, as a matter of course, released from pretrial detention if they have been detained for half of the maximum sentence envisaged for the crime for which they are being held.
- The Anti-Terrorism Act envisages an exception vis-à-vis the period of pretrial detention for persons suspected of having committed terrorist crimes. In such cases, the Public Prosecution Service can hold suspects for 15 days, renewable for an equivalent period up to a maximum of 6 months.
- By stipulating a period of pretrial detention in the Anti-Terrorism Act different to that envisaged in the Code of Criminal Procedure, legislators were taking account of the particular care, lengthy procedures and international cooperation required when investigating and gathering information and evidence in such cases.
- Legislators have given the Public Prosecution Service, which is an organ of the judiciary, the power to order pretrial detention, and have decreed that accused persons may be placed in pretrial detention only after they have been interrogated. Moreover, under the law, before interrogating suspects, prosecutors must inform them of the charges against them and the penalties they attract. This is to take place in the presence of a lawyer if the accused so wishes. The Public Prosecution Service may not order that an accused person be held in pretrial detention until that person has been interrogated and charged.

24. As concerns the number of persons arrested and detained under Act No. 17 of 2002 concerning the protection of society, a list of detention orders issued under article 2 of that Act between 2014 and 2019 is given below, showing the number and total numbers of detainees. It should be noted that no complaints have been lodged concerning detention under the Act. In 2020, moreover, just five persons were detained, which points to a drop in the rate of use of the Act for detention. As has been indicated before, persons detained under the Act concerning the protection of society can be held for two weeks, and that period is applied in only a very limited number of cases.

#### **Pretrial detention orders under article 2 of Act No. 17 of 2002 concerning the protection of society**

<i>Year</i>	<i>Capital</i>	<i>Rayyan</i>	<i>North</i>	<i>Southern</i>	<i>Dukhan</i>	<i>Total</i>
2014	49	38	13	6	8	114
2015	36	59	25	5	5	130
2016	102	81	24	4	9	220
2017	137	26	39	16	9	227
2018	140	40	23	31	13	247
2019	72	30	28	21	14	165

*Source:* Ministry of the Interior – Information and Statistics Section, 2020.

#### **Non-discrimination (arts. 2, 3, 14, 20, 23, 26 and 27)**

25. Legislators have taken a strong line against discriminatory laws and have adopted non-discrimination as a constitutional principle that governs domestic legislation. Their aim in so doing was to safeguard against forms of discrimination that can detract from or restrict the exercise of rights and freedoms. This is a means to ensure that rights enjoy equal protection.<sup>6</sup>

<sup>6</sup> See document [Treaty bodies Download \(ohchr.org\)](#).

## Equality between men and women (arts. 2, 3 and 26)

26. The aim of the Qatar National Vision 2030<sup>7</sup> is to build a society that promotes justice and equality, in embodiment of the principles enshrined in the Permanent Constitution, which protects public and private freedoms. As things currently stand, there is an increased representation of Qatari women in decision-making positions as well as greater female involvement in the political arena and larger investments by Qatari businesswomen in the local market. Women participate effectively in various political, economic, social, sporting and other spheres. In order to achieve the goals of the Qatar National Vision 2030,<sup>8</sup> the Second National Development Strategy 2018–2022<sup>9</sup> envisages programmes and projects designed precisely to achieve those goals and it identifies the bodies responsible for implementation and support.

27. As concerns the empowerment of women to occupy positions of leadership, official statistics show that the representation of Qatari women in decision-making positions stands at 30 per cent. The Qatar National Vision 2030 and the country's population policy for 2017–2022 aim to increase that percentage by boosting the political involvement of Qatari women. The position of Minister of Public Health is currently occupied by a woman and Qatari women head a number of important national institutions including the Qatar Foundation for Education, Science and Community Development; the Qatar Museums Authority; the Qatar Foundation for Social Action; the Hamad Medical Corporation; the Primary Health Care Corporation; and the National Commission for Education, Culture and Science.

28. A ministerial decree has been issued appointing a female spokesperson at the Ministry of Foreign Affairs, the first time a Qatari woman has held the position. According to the Ministry's own statistics, there were 195 Qatari women in the diplomatic corps as of 2020, of whom 3 were heads of mission. On a separate front, in 2017, female lawyers accounted for 20.4 per cent of all Qatari lawyers. This is an encouraging figure as the first Qatari woman entered the Bar Association in 2000 and, by 2010, there were female judges and prosecutors.

29. In the same context, the Qatar Foundation for Social Action,<sup>10</sup> in its advisory capacity to the United Nations Economic and Social Council (ECOSOC), has participated in the capacity-building programmes run by the Economic and Social Commission for Western Asia (ESCWA). One of these was a programme on the implementation of the Action Plan on Gender Equality and Women's Empowerment within National Institutions in the Arab Region.

30. Qatar works periodically and continuously to update and develop its legislative system in all areas, in an effort to bring its legislation into line with international treaties. The State has repealed or amended a number of laws that discriminated against women, as the following examples show:

(a) Act No. 19 of 2008 determining the sum of blood money (*diyah*) payable for unintentional killing, which envisages equal blood money for male and female victims;

(b) Act No. 5 of 2009 amending Passports Act No. 14 of 1993, which revokes the requirement whereby the guardian has to consent before a passport can be issued to a woman;

(c) Housing Act No. 2 of 2007, wherein the condition that only male citizens could benefit from the housing system has been abolished and the system is now available to citizens of both sexes. Decree No. 17 of 2007 of the Council of Ministers, regarding priorities and regulations concerning the housing system, gives unmarried citizens – be they male or female, over or under the age of 35 – who have dependants the right to benefit from the housing system;

(d) Decree-Law No. 19 of 2007 promulgating the Traffic Act, which imposes the same conditions on women and men to obtain a driving licence;

<sup>7</sup> See Qatar National Vision 2030 at <https://www.psa.gov.qa>.

<sup>8</sup> Set forth in paragraph 38 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](https://www.ohchr.org).

<sup>9</sup> See National Development Strategy at <https://www.psa.gov.qa>.

<sup>10</sup> See paragraph 19 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](https://www.ohchr.org).

(e) Act No. 15 of 2016 promulgating the Civil Service Human Resources Act, and its implementing regulations, preserve the gains that women have made under previous laws including their entitlement to an accommodation allowance on an equal footing with men as well as to equal wages and full rights and duties. The Act also envisages special rights for women intended to help them achieve a balance between the burdens of work and the duties of the family.

### **Acquisition of nationality**

31. In addition to the information already provided in the initial report,<sup>11</sup> article 41 of the Constitution states: “Qatari nationality and the rules pertaining thereto shall be determined by law. Those rules shall have a constitutional character.” The Nationality Act No. 38 of 2005 regulates the acquisition, grant, removal and reinstatement of citizenship, without distinction between women and men, except in the case of a Qatari woman married to a non-Qatari. In that instance, neither the woman’s spouse nor her children are granted citizenship. Matters related to nationality are at the sovereign discretion of the State.

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

32. The possibility of adopting a new child protection law is currently under review. The new law would constitute a comprehensive legal framework wherewith to monitor cases of violence against children.

33. The National Strategy for Families 2011–2016<sup>12</sup> covered eight thematic areas including that of endangered families. 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 plan for national development includes two major projects that aim to contribute to the desired outcome, which is a comprehensive system to protect against domestic violence. The Social Protection and Rehabilitation Centre of the Qatar Foundation for Social Action is making strenuous efforts to raise awareness about the importance of caring for children and women in a violence-free environment. The Family Counselling Centre also plays a role in that connection.

34. In continuance of these efforts, the Second National Development Strategy 2018–2022<sup>13</sup> includes a number of goals related to preventing domestic violence. One of the most important of these is to improve the outcomes of projects to prevent and protect against violence by between 10 per cent and 30 per cent annually from 2016 to 2022. The Strategy envisages programmes and projects to achieve that goal and identifies the bodies responsible for implementation and support. Of particular interest is the programme to prevent and protect against violence, which includes a project to prevent violence leading to the breakup of families and another to care for and rehabilitate victims of violence and family breakup. Other initiatives include the “Childhood without Violence” project, a project for the empowerment and education of women and a project involving community partnerships to prevent violence.

### **Combating violence against domestic workers**

35. The Domestic Workers Act No. 15 of 2017<sup>14</sup> includes provisions intended to provide full and comprehensive protection to domestic workers against abusive practices and arbitrary treatment. The Act, which is consistent with International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), allows domestic workers to terminate their contracts early while retaining their entitlement to an end-of-service bonus if employers

<sup>11</sup> See CCPR/C/QAT/1 Treaty bodies Download (ohchr.org).

<sup>12</sup> See National Development Strategy at <https://www.psa.gov.qa>.

<sup>13</sup> See National Development Strategy at <https://www.psa.gov.qa>.

<sup>14</sup> See Al Meezan | Qatar Legal Portal | Legislation | Domestic Workers Act No. 15 of 2017 (<https://www.almeezan.qa>).

or members of their family assault workers in such a way as to cause physical harm or endanger life, or if the workers are faced with a grave danger that threatens their health or safety. The Ministry of Administrative Development, Labour and Social Affairs is equipped to receive complaints from domestic workers round the clock, via a hotline or text message, through the worker's embassy or via the "Amerni" smartphone app. In addition, thanks to a protocol between the Ministry and ILO, workers can also file their complaints via the ILO Office. The State provides legal assistance to workers who fall victim to violence or abuse, dealing with such cases promptly and providing the workers with shelter and protection. Campaigns are constantly being run via the media and across social media to make employers aware of their workers' rights, while brochures and other educational materials are produced and widely disseminated.

36. The Ministry of Administrative Development, Labour and Social Affairs supervises the offices that recruit workers from abroad. It monitors the activity of such recruitment bureaus, conducts periodic and unannounced inspections and maintains open lines of communications with representatives of domestic workers and with labour attachés in the relevant embassies. The purpose of this activity is to ensure that migrant workers are not being exploited, to protect them from violence and to safeguard their rights. In addition, the Ministry has provided the embassies of the countries that send workers to Qatar with lists of the approved and licensed recruitment bureaus in the country.

37. In addition to the information provided in the initial report,<sup>15</sup> the National Committee for Combating Human Trafficking took the following measures to provide psychosocial support to victims between 2019 and July 2020:

- Establishing a humanitarian care shelter, which opened on 30 July 2019 and provides assistance, protection, accommodation and rehabilitation for victims of human trafficking;
- Assigning a special prosecutor's office to deal with matters involving human trafficking as part of the office of the prosecutor for issues involving residency within the Public Prosecution Service;
- Creating a human trafficking department within the Ministry of the Interior;
- Signing a memorandum of understanding with the Red Crescent regarding the operation and management of the humanitarian care shelter;
- Signing a memorandum of understanding with the Qatar Charity organization to support victims of human trafficking with an amount of 3 million Qatari riyals (QR) over three years.

## **Termination of pregnancy, maternal mortality and reproductive rights (arts. 2, 3, 6, 7 and 24)**

### **Legal abortion**

38. Qatar guarantees full prenatal care for women through access to various medical services, including maternal and fetal checks, which are available to citizens and residents alike. The State has also taken measures to help prevent unwanted pregnancies and ensure that no one is forced to have recourse to potentially life-threatening secret abortions. Abortion is regulated by Act No. 2 of 1983, concerning the practice of medicine, surgery and dentistry, article 17 of which stipulates: "It is prohibited for a doctor to perform an abortion on a pregnant woman, except to preserve her life. In a pregnancy of less than four months, however, an abortion may be permitted in the following two instances:

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

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<sup>15</sup> See paragraphs 109 to 111 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](#).

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

39. Such abortions must be performed in a public hospital by a decision of a medical committee composed of three physicians, at least one of whom must be a specialist in gynaecology and obstetrics. A decree issued by the Minister of Public Health stipulates the conditions to be met by the members of that medical committee.

40. Legislators have addressed the question of abortion and defined the instances in which it is permissible. Therefore, there are presently no plans to examine or amend existing abortion legislation.

## **Right to life (arts. 6 and 7)**

### **Death penalty**

41. For the State of Qatar the right to life is sacred and inviolable and the Criminal Code penalizes any and all offences against human life (whether murder or the infliction of bodily harm). Legislators have set tight controls on the application of the death penalty whereby its use is restricted within strict limits. This is consistent with article 6 of the Covenant and with the Committee’s general comment No. 36 on the right to life.<sup>16</sup>

### **Accession to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty**

42. See paragraph 8 of the present report.

### **Deaths among migrant workers**

43. The Labour Inspection Department of the Ministry of Administrative Development, Labour and Social Affairs has been assiduously running inspection campaigns each summer to ensure that companies are complying with Ministerial Decree No. 16 of 2007 regarding limits on working hours in exposed places during the summertime. In fact, the Decree prohibits work under the sun from 11.30 a.m. to 3 p.m. between 15 June and 31 August each year.

44. The summer 2020 inspection campaign, which took place from 15 June to 31 August 2020, led to the closure of 263 company work sites for violations of the Ministerial Decree.

45. The inspection campaigns are preceded by large-scale media campaigns in daily newspapers, television and radio, and social media to educate companies and employers about the need to abide by the provisions of the Decree. In addition, during the course of the campaign, the Ministry publishes the results of the inspections and the penalties imposed on transgressors.

46. In the same context, the Ministry of Public Health has made health and safety outcomes in the workplace part of its National Health Strategy 2018–2022.<sup>17</sup> In this way, it is seeking to reduce and prevent occupational injuries, illnesses and deaths including those caused by working in conditions of great heat.

47. No deaths due to heat stress have been recorded in recent years. In that connection, the Ministry of Public Health has taken a number of measures:

- It has organized workshops on the subject of heat stress for company occupational health and safety officers, under the slogan of “Protect yourself”;
- It has undertaken field visits to places of work to educate workers about heat stress and how to avoid it. In addition pamphlets and other educational materials have been distributed in various languages;

<sup>16</sup> See paragraphs 67 to 72 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](#).

<sup>17</sup> See [Ministry of Public Health - National Health Strategy 2018 - 2022 \(moph.gov.qa\)](#).

- It has updated the guidance and recommendations regarding heat stress, which is available in different languages on the Ministry website;
- It uses social media to disseminate educational materials during the summer months.

48. As part of ongoing cooperation between the Ministry of Administrative Development, Labour and Social Affairs and ILO, in recent months an ILO expert has been examining the laws and regulations on work under direct sun.

49. With regard to the number of more or less serious violations in construction sites, during the course of 2019 the occupational health and safety section of the Labour Inspection Department conducted 22,079 visits to places of work “including construction sites” and to workers’ accommodation. In all, 6,179 warnings to cease violations were issued, 495 companies had their operations suspended, 47 places of work suffered partial closure and 84 records of violations were registered.

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*Total number of workplace deaths in the years 2017, 2018 and 2019*

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270 deaths

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50. The inspection procedures followed when investigating deaths of workers and the safeguards to ensure non-repetition are set forth below.

51. Article 108 of the Labour Code (Act No. 14 of 2004) states: “If a worker dies during or as a consequence of his work, or if he suffers a workplace injury, the employer or his representative is to report the incident immediately to the police and to the Ministry. As soon as it receives the report, the police is to launch an investigation and to record the statements of witnesses, the employer or his representative and the affected worker if the latter is in a condition to be able to make a statement. The police report must specifically demonstrate the link between the incident and the work being undertaken. As soon as it completes its investigation, the police is to send one copy of its report to the Ministry and another to the employer. The Ministry may demand a supplementary investigation, if it believes that to be necessary.” In order to ensure that the provisions of this article are duly implemented, the following measures are taken:

(a) The enterprise involved immediately reports the workplace incident or injury using the special online programme developed for that purpose, so that the investigation can be launched as soon as the report is filed. The final reports on the matter can then be submitted to the competent authorities for the necessary legal action to be taken.

(b) Bodies linked to the Ministry of the Interior inform the Ministry of any workplace incident or injury so that ministerial specialists can immediately go to the scene, undertake inquiries and investigations then submit their final reports to the competent authorities.

- If it is shown that a workplace injury or incident did occur and the enterprise concerned failed to inform the authorities, a report is to be filed to the effect that the enterprise violated the provisions of the above article.
- Article 109 of the Labour Code states: “Workers who sustain a workplace injury are entitled to receive appropriate medical treatment, as decided by the competent medical authority, at the expense of their employer. Workers are to receive their full pay during the duration of the treatment or for six months, whichever is shorter. If the treatment lasts for more than six months, workers are entitled to half their full pay until their eventual recovery or until it is established that they have a permanent disability, whichever comes first.”
- Under article 115 of the Code, every six months employers must provide the Ministry with statistics on workplace injuries and occupational illnesses, using a special form created for that purpose.
- The Labour Inspection Department has a special team that conducts investigations into workplace incidents.

- The report of the investigation into a workplace incident is sent to the Ministry of the Interior, which refers it to the courts for the necessary legal steps to be taken.
- Any incapacity a worker suffers as a consequence of an incident is evaluated by the Ministry of Health so that the worker can be compensated.
- If it is established that a death occurs during or as a consequence of the work being performed, and that the company concerned was violating safety standards, then the company is required to pay compensation to the deceased worker's family.
- A link has been activated on the official website of the Ministry of Administrative Development, Labour and Social Affairs, which companies can use at any time to notify the Ministry of an injury or a death.
- On the subject of compensation for the family of a deceased worker, article 110 of the Labour Code stipulates: "The heirs of a worker who, while performing his work, dies or sustains an occupational injury that results in a permanent incapacity, be it total or partial, have the right to receive compensation. The amount of compensation in the case of death of a worker is to be calculated in accordance with the provisions of Islamic sharia. An occupational injury that results in total permanent incapacity is to be considered as tantamount to the worker's death for the purposes of compensation. The degree of partial incapacity as a proportion of total permanent incapacity is to be determined using table 2, annexed to the Code. The amount of compensation in such cases is to be calculated proportionally to the amount of compensation stipulated in the preceding paragraph."

### **Forced labour and trafficking in persons (arts. 6, 7, 8 and 24)**

52. On 30 August 2020, Qatar announced the enactment of new legislation that has brought historic changes to the labour market by eliminating the requirement for migrant workers to obtain their current employer's permission if they wish to move to another employer. Moreover, Qatar has become the first country in the Middle East to adopt a non-discriminatory minimum wage.

53. This positive step is part of the State's comprehensive programme to reform labour laws and regulations, which is contributing to the creation of a modern and dynamic labour market that is consistent with the Qatar National Vision 2030<sup>18</sup> and the Sustainable Development Goals. The more significant pieces of legislation enacted and measures taken are summarized below.

#### **Definitive elimination of the *kafalah* sponsorship system**

54. 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.

#### **Free movement of workers in the labour market**

55. Decree-Law No. 19 of 2020 amends certain provisions of Act No. 21 of 2015 regulating the entry, exit and residency of migrant workers, while Decree-Law No. 18 of 2020 amends 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 workers who are subject to the provisions of the Labour Code to move freely about the labour market, in line with international labour standards.

56. 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

<sup>18</sup> See Qatar National Vision 2030 at <https://www.psa.gov.qa>.

giving reasons. This is conditional upon the party who wishes to terminate the contract providing the other party written notification of his intentions giving at least one month's prior notice during the first and second year of employment, and two months' notice following the completion of the second year.

57. A worker may terminate a contract of employment during the probationary period in order to move to another employer on condition that he provides the first employer with written notification of his intention at least one month prior to terminating the contract. The new employer is under an obligation 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. The new legislation also introduces a new subparagraph (subparagraph 5) to article 51 of the Labour Code under which workers are able – 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 full rights to an end-of-service bonus.

58. 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, in collaboration with the Qatar Chamber. The aim 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 repercussions of the COVID-19 pandemic.

### **Abolishing exit permits**

59. The need to acquire authorization before leaving the country was removed under Act No. 13 of 2018, which recognizes the right of migrant workers who are subject to the provisions of the Labour Code to leave the country temporarily or to depart definitively for their country of origin during the period of validity of their contract of employment.

60. For its part, Decree No. 95 of 2019 of the Minister of the Interior removes 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 in the country's territorial waters, agriculture and animal husbandry.

61. Those categories of persons can, then, leave the country temporarily or definitively during the period of validity of their contract of employment. However, employers can submit a motivated prior request to the Ministry of the Interior containing the names of persons who, due to the nature of their work, require prior approval before departing the country, provided that the number does not exceed 5 per cent of an employer's workers. The Ministry of Administrative Development, Labour and Social Affairs has published clear criteria for such exemptions, which are applicable only to highly skilled workers such as chief executive officers, financial officers, managers who oversee a company's day-to-day activities, and information and communication technology managers.

62. Ministerial Decree No. 95 of 2019 also abolishes exit permits for domestic workers and they too can now leave the country temporarily or definitively during the period of validity of their contract of employment. To avail themselves of this opportunity, they are required to give their employer prior notice of at least 72 hours.

63. There is an important safeguard enshrined in article 7 of the Act regulating the entry and exit of migrant workers according to which, if for any reason a migrant worker is unable to leave the country, that worker can have recourse to a departure complaints committee which must rule on the matter within a period of three working days.

### **Non-discriminatory minimum wage for domestic workers**

64. Minimum Wage Act No. 17 of 2020, which is applicable to all workers of all nationalities in all sectors, without discrimination, including domestic workers, states that the level of the minimum wage is to be set by decree of the Minister of Administrative Development, Labour and Social Affairs.

65. The minimum monthly wage has been set at QR 1,000. This is over and above the worker's right to adequate food and accommodation. In cases where the employer does not

supply workers with food and accommodation, the minimum accommodation allowance is set at QR 500, and the minimum food allowance at QR 300.

66. Under the new Act, the minimum wage is to be reviewed at least once a year. A committee known as the minimum-wage committee is to be established in the Ministry to examine and review the minimum wage for workers and domestic workers on the basis of changing economic factors.

67. There will be coordination with employers to amend existing contracts of employment for wages below the minimum set by the ministerial decree, which is to come into force six months after its publication in the Official Gazette.

### **Monitoring workers' financial entitlements**

68. Decree-Law No. 18 of 2020 envisages more severe penalties for anyone who violates the wage protection system, and employers who violate the system are now liable to a term of imprisonment of up to 1 year and/or a fine of between QR 2,000 and QR 6,000.

69. The Ministry of Administrative Development, Labour and Social Affairs is working to modernize the wage protection system in line with an evaluation conducted by an independent expert from the ILO Office in Doha. The aim is to detect violators of the minimum wage by using an electronic auditing mechanism. The latest amendment to the Labour Code includes provision for prison terms and penalties against employers who, for any reason, fail to honour all a worker's entitlements at the conclusion of the contract of employment. Additional fines are envisaged for employers who do not undertake to pay a worker's due wages for work already done, in addition to leave wages, before the worker goes on annual leave. Fines are also applicable to employers who violate article 70 of the Labour Code regarding the withholding or deduction of a worker's wages. The Ministry is determined to track down transgressors and to see that these penalties are effectively imposed. To that end, it will cease to deal with employers in certain enterprises and prevent them from employing other workers if they fail to respect the wage protection system. A record of the violation is drawn up and referred to the security agencies who then pass it on to the Public Prosecution Service for legal steps to be taken against the offending employer. There is coordination with the Ministry of the Interior to ensure that workers are transferred from the company that is violating the wage protection system to another employer and there is coordination with the Public Prosecution Service to ensure that employers who violate the wage protection system are not shown undue leniency.

70. The unit responsible for the wage protection system has accelerated its procedures for imposing bans on companies that violate the system and preventing them from accessing the services of the Ministry of Administrative Development, Labour and Social Affairs. In January 2020, the unit imposed bans on 588 companies. Later the same year, with the closures and restrictions imposed as a result of the COVID-19 pandemic, more companies were monitored for violating the wage protection system and, in June 2020, bans were imposed on 8,756 companies. An increased number of offences have been referred to the police for action and communication with the Ministry of the Interior has intensified to ensure that prompt action is taken in relation to priority cases.

### **Workers' Support and Insurance Fund**

71. Prime Ministerial Decree No. 3 of 2019 includes provision for the formation of the managing board of the Workers' Support and Insurance Fund, which has now begun operating. Under the law, the Fund is allocated an amount equivalent to 60 per cent of the proceeds from fees paid for obtaining and renewing work permits. This ensures that the Fund has diverse resources that are sufficient to support workers and pay out their entitlements.

72. The Fund exists to ensure that workers receive their entitlements, as determined by labour dispute-resolution committees, in the event that a company becomes insolvent and is unable to pay. The intention is to avoid time-consuming procedures that can affect the workers' ability to fulfil their obligations towards their families or others. The establishment of the Fund also guarantees prompt payment of financial dues upon separation from service and facilitates the procedures for workers returning to their home countries. The Fund, which benefits both private sector workers and domestic workers, also helps to ensure the

availability of sustainable financial resources to support and insure workers, to provide them with recreational facilities and to contribute to building accommodation for them. Since it was established, the Fund has paid out financial entitlements to 5,744 workers for a total amount of QR 13,917,484.

#### **Technical cooperation programme with ILO**

73. The technical cooperation programme with ILO, 2017–2020, has been extended until June 2021.

#### **Role and mandate of the National Committee for Combating Human Trafficking**

74. The Committee acts as national coordinating body to monitor, prevent and combat human trafficking. To that end, it coordinates with stakeholders and carries out a number of functions in line with article 4 of the Act by which it was established.<sup>19</sup>

#### **Investigations and trials related to forced labour and human trafficking**

75. In November 2020, the court of first instance of the Supreme Judiciary Council convicted two accused persons who were resident in the State of Qatar in a case related to human trafficking and forced labour. They had committed an offence against two domestic workers under Anti-Human Trafficking Act No. 15 of 2011.

76. The offence involved was that of exploiting the victims, forcing them into service, practising slavery and enslavement, detaining the victims and depriving them of their liberty, making them work without pay and attacking them physically.

77. The victims received the necessary health care and were accommodated in the Aman Protection and Rehabilitation Centre.

78. The criminal court of first instance sentenced the two accused persons to a term of imprisonment of 10 years with hard labour, fined each of them QR 200,000 and ordered their deportation from the country upon completion of their sentences. It also obliged the two accused to pay out QR 1 million in compensation to each plaintiff in the civil case.

### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the treatment of persons deprived of their liberty (arts. 7, 9, 10 and 11)**

#### **Prohibition against torture**

79. See paragraphs 78 to 98 of the initial report.<sup>20</sup>

#### **Investigations, convictions and compensation in cases of torture**

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

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<sup>19</sup> See Decree of the Council of Ministers No. 15 of 2017 regarding the formation of the National Committee for Combating Human Trafficking | Al Meezan | Qatar Legal Portal | Legislation | Decree of the Council of Ministers No. 15 of 2017 regarding the formation of the National Committee for Combating Human Trafficking | article 4 (<https://www.almeezan.qa>).

<sup>20</sup> See CCPR/C/QAT/1 [Treaty bodies Download](#) (ohchr.org).

### Flogging

81. Act No. 3 of 2009 regulating penal and correctional institutions abolishes the use of flogging as a disciplinary penalty against prisoners, which had been envisaged in the previous Prisons Act No. 3 of 1995.

### Persons in detention for non-violent acts

82. The table below shows the number of men and women currently in detention for non-violent acts:

<i>Male detainees</i>							
<i>Adultery and intercourse</i>	<i>Homosexuality</i>	<i>Rape</i>	<i>Indecent assault</i>	<i>Harassment</i>	<i>Drug-taking</i>	<i>Drunkenness</i>	<i>Beggary</i>
31	8	3	15	6	47	8	1
<i>Female detainees</i>							
<i>Adultery and intercourse</i>	<i>Rape</i>	<i>Pornographic images</i>	<i>Illicit relations</i>	<i>Drug-taking</i>			
10	1	1	1	1	1		

### Persons in detention for non-payment of debts

83. The table below shows the number of persons currently in detention for non-payment of debts:

<i>Males in detention for cheque fraud</i>		<i>Females in detention for cheque fraud</i>		<i>Persons released as part of precautionary and preventive measures related to COVID-19</i>	
<i>Nationality</i>	<i>Number</i>	<i>Nationality</i>	<i>Number</i>	<i>Gender</i>	<i>Number</i>
Qatari	33	Qatari	0	Male	197
Non-Qatari	299	Non-Qatari	15	Female	3

### Overcrowding of prisons and measures taken during the COVID-19 pandemic

84. A royal amnesty was issued for 514 inmates, in view of the humanitarian, social and health situation that has arisen as a result of the COVID-19 pandemic. In addition, construction work on new buildings with capacity for an estimated 640 inmates has been completed. The buildings are expected to be operational in the coming period, thereby helping to prevent overcrowding.

85. The Committee for Crisis Management has been monitoring health conditions, both as a precautionary measure before the spread of the pandemic and following the infection of various inmates with the COVID-19 virus. Thanks to these efforts all inmates infected to date have recovered and there are currently no cases of infection.

86. The measures taken have been divided into three phases, as is shown below.

*Phase I:* Precautionary measures prior to the spread of the virus:

- Stopping all visits and not admitting new inmates as a way of preventing the spread of the virus;
- Supplying non-contact thermometers;
- Preventing inmates from leaving prison to appear in court, in accordance with national procedures;
- Supplying sterilizers, gloves and masks in appropriate quantities;
- Raising awareness among inmates and staff with posters in prisons on how to avoid catching and transmitting the virus.

*Phase II:* Measures taken as the pandemic spread:

- Establishing a field hospital with medical staff and equipment, which has made a major contribution to managing the crisis and mitigating its effects, particularly by not having to refer detainees outside the institution, which would have led to a shortage of guards;
- Developing a plan of action in cooperation with the Ministry of Health and a number of other stakeholders to monitor the health conditions of inmates and staff. Thanks to this, cases began to decline and the situation had stabilized by the end of July 2020.

*Phase III:* Measures taken once the situation had stabilized and cases had begun to decline:

- Continuing precautionary measures in order to be able to meet any new wave of the virus;
- Maintaining an isolation ward to deal with any new cases of the virus that might emerge in the coming period.

### **Right to leave a country (art. 12)**

87. The International Court of Justice issued a ruling in which it required the United Arab Emirates to set up a transparent mechanism for the reunification of Qatari families who had been adversely affected by the imposition of arbitrary unilateral measures. Despite that, the National Committee for Human Rights continues to receive new cases documenting the non-compliance of the United Arab Emirates with the Court ruling. This constitutes a manifest violation of the rights of categories requiring priority care such as children and mothers. As of the present, there are a total of 90 affected families whose cases have not been addressed.

88. For its part, Qatar has not taken any measures prejudicial to human rights against citizens of the States responsible for the blockade. They have not been prevented from entering the country, whether or not they have ties of kinship to Qatari families. Moreover, no Qatari citizen has been prevented from travelling, for whatever purpose, to any of the States responsible for the blockade.

### **Rights of refugees and asylum seekers (art. 13)**

89. Article 9 of Political Asylum Act establishes a body of rights and privileges for political refugees, including that of freedom of movement, without specifying any restrictions. The article begins: “Political refugees enjoy State protection and the following rights and privileges that do not conflict with their status as political refugees: ...”. This means that political refugees are protected by the State against any potential risks to their personal safety, in line with the Act and with article 52 of the Constitution, which reads: “All persons lawfully resident in the State shall be entitled to protection of their person and their property, as provided by law.”

90. This is reaffirmed in article 10 of the same Act, which states: “The competent authorities are to determine the place of residence of political refugees with a view to maintaining their well-being.” Here, the intention of legislators was not to restrict the freedom of movement of political refugees but to enable the authorities to protect them from any kind of risk or threat they might encounter in their capacity as political refugees.

91. As concerns the removal of restrictions on the formation of associations by asylum seekers and refugees, article 11 of the Act stipulates: “Political refugees are subject to the laws, decrees and regulations in force and to the measures in place to preserve public order. They may not practise any political activity while they are in the country.” The text of the Act does not mention any restriction on the right of political refugees to participate in public life, be it culturally, socially or economically or by undertaking voluntary, humanitarian or charitable work, etc. Nor does the Act make any reference to political refugees joining or establishing associations. It should be noted that the formation of associations is governed by rules and conditions set forth in Act No. 12 of 2004 regulating private associations and foundations.

## **Right to a fair trial, independence of the judiciary and juvenile justice (arts. 2, 7, 9, 10, 14 and 24)**

### **Impartiality and independence of the judiciary**

92. See paragraphs 168 to 195 of the initial report.<sup>21</sup>

### **The ability of defendants to address the courts**

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

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

### **Selection criteria for judges**

95. Article 27 of Judicial Authority Act No. 10 of 2003 sets forth the conditions that must be fulfilled by persons who hold judicial office. Such persons must possess full capacity and hold an academic qualification in statutory or sharia law from a recognized university. In addition, they must not have been convicted by final sentence of a minor or major offence against honour or trust, even if rehabilitated, nor must they have been dismissed from service by a disciplinary ruling. They must be of good conduct and good reputation and they must pass a personal interview and a training course. In addition, they must be at least 25 years of age for appointment to a court of first instance and at least 38 years of age for appointment to a court of appeal. These conditions are set forth in law.

### **Duration of judges' contracts**

96. No limit to the length of appointment of judges is defined in law, and their mandate ends only if there are legal reasons for its termination. As concerns non-Qatari judges, this issue is regulated by inter-State judicial cooperation agreements, and the period for which a non-Qatari judge can be assigned on loan is defined in the laws of the lending State.

### **Code of conduct for the judiciary**

97. The Supreme Judiciary Council has recently issued a code of judicial conduct in order to promote the values by which members of the judiciary must abide. Parties to legal proceedings enjoy full safeguards, including proper legal representation before the courts, and they are given the opportunity to defend themselves and to use the services of accredited interpreters. In addition, the courts provide judicial assistance to persons accused of major offences, who are appointed lawyers free of charge. With regard to trials in absentia, the Code of Criminal Procedure (Act No. 23 of 2004) gives persons who have been convicted in absentia the opportunity to contest the verdict within five days of learning the judgment.

### **Dismissal of judges**

98. The dismissal from office of a member of the Public Prosecution Service is a disciplinary penalty. Such a penalty can be handed down by a disciplinary committee if the Public Prosecutor – after questioning a prosecutor who has committed an offence – decides

<sup>21</sup> See CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](#).

to bring disciplinary proceedings. This takes place in line with ordinary fair-trial procedures and guarantees.<sup>22</sup>

99. By way of additional guarantee, the law stipulates that a decision by the disciplinary committee to dismiss a member of the Public Prosecution Service can be enforced only after the issuance of an Emiri Decree to that effect.

100. It should be noted, moreover, that, under the law, prosecutors who have suffered the penalty of dismissal from office are not deprived of their pension or end-of-service bonus.

#### **Access to legal counsel**

101. Under established legal procedures, access to a lawyer is available and guaranteed for accused persons from the beginning of the investigation of the Public Prosecution Service. When accused persons are brought before prosecutors they are asked if they have a lawyer and if they wish their lawyer to be present. Moreover, the law requires that, when trial proceedings start for persons accused of major offences, the court appoint a lawyer to defend them if they do not already have a lawyer of their own. In such a case, the court meets the lawyer's fees from its own funds.

102. If the accused person does not speak the language being used in the interrogation, the law requires that an interpreter be present. The interpreter is required to sign the record of the interrogation otherwise that record is null and void and can be appealed as such before the court.<sup>23</sup>

#### **Trials in absentia**

103. Accused persons are not placed on trial until after they have been notified by the court and the correctness of that notification has been verified. If it is not possible to deliver the notification because the accused person is outside the country, and if the court decides to proceed with the trial and delivers a guilty verdict, then such an outcome is not considered as definitive but stands as an in absentia ruling which can be appealed. In fact, when accused persons are arrested they can appeal any in absentia verdicts against them and their case then goes to retrial.

#### **Freedom of conscience and religious belief (arts. 2, 18 and 26)**

104. In addition to the information contained in the initial report,<sup>24</sup> Qatar has ratified a number of regional and international treaties that support freedom of religion, thought and belief, one being the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2009. This is a reflection of the political will to uphold the values of tolerance and of freedom of thought and expression.

105. Legislators in Qatar make no distinction between Islam and the other revealed religions that are afforded protection under the sharia, namely Christianity and Judaism. In fact, just as it is an offence to defame Islam, so it is an offence to defame Christianity and Judaism, insult a prophet or subject a place of worship to any kind of attack.

106. The Religious Complex, located on government-owned land in Mesaimmer, continues to provide a space in which the eight registered Christian communities can worship. Strict instructions are in place forbidding the display of Christian symbols such as crosses and statues on the outside of church buildings. The Government continues to allow non-registered churches to hold services there as well, but only under the auspices of one of the eight recognized communities; for example, the Anglican Centre in the Mesaimmer Complex houses a number of other smaller communities. In all, the space accommodates 88 communities from different groups and languages.

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<sup>22</sup> As per articles 32, 33, 34, 35, 36, 37 and 38 of Act No. 10 of 2020 regarding the Public Prosecution Service.

<sup>23</sup> Under article 72 of the Code of Criminal Procedure.

<sup>24</sup> See paragraphs 221 to 225 of CCPR/C/QAT/1 [Treaty bodies Download \(ohchr.org\)](https://www.ohchr.org/Treaty_bodies/Download).

107. In addition, 61 villas and apartments function as evangelical “home churches” and are licensed to hold religious services. Their licences will expire once an evangelical church has been built in the Mesaimeer Religious Complex. The Government has allocated a plot of land for the church but construction work has yet to begin.

108. The Ministry of the Interior in coordination with Qatar Rail,<sup>25</sup> which is the body responsible for metropolitan transport, has laid on special buses at metro stations to carry worshippers directly to the Religious Complex without stopping.

## **Freedom of expression, assembly and association (arts. 2, 19, 21 and 22)**

### **Freedom of expression**

109. The prohibitions on publication contained in subparagraphs (a), (b), (c), (d), (e), (f), (g), (i) and (l)<sup>26</sup> of article 47 of Printing and Publishing Act No. 8 of 1979 are consistent with the restrictions set forth in article 19 of the Covenant concerning the protection of national security and public order. In fact, the safety of the State and the maintenance of public order have two aspects: on the one hand is the protection of economic security by not harming the operation of the economy or publishing news that could undermine the national economic order and, on the other hand, is the protection of society against instability, disintegration and conflict by combating sedition, hatred and religious extremism.

110. The prohibitions set forth in subparagraphs (h), (j), (k) and (m)<sup>27</sup> of article 47 are likewise consistent with the restrictions in article 19 of the Covenant concerning the protection of public morals and respect for the rights or reputations of others, including the rights or reputations of public officials. In addition, some of the prohibitions set forth in those subparagraphs – regarding the publication of investigations and court rulings – are in line with standards established in other international instruments. These include the confidentiality of judicial inquiries, which is one of the safeguards for a fair trial. Moreover, not divulging information on cases being considered by the courts constitutes a guarantee of judicial independence and of presumption of innocence, which is in the interests of accused persons.

111. In addition to this, despite the fact that the Ministry of Culture and Sports has judicial authority to monitor and oversee material published via the media, the Ministry has not, in fact, previously asked a newspaper or a journalist to withdraw an article from publication to prevent it being seen by the public, under article 47 (n) of the aforementioned Act. Moreover, newspapers published in the country have not been barred from publishing or withdrawn.

112. In order to update the legislation governing freedom of opinion and expression, to strengthen the independence of the press and to promote the freedom to publish and share information, the Government is in the process of drafting a new bill to be known as the “Act regulating journalism, printing, publication, media activities and the arts”. Once approved by the Council of Ministers, the new law will replace the existing Printing and Publishing Act. The bill is consistent with the restrictions on freedom of expression and opinion contained in articles 19 and 20 of the International Covenant on Civil and Political Rights.

### **Exchange of information online**

113. The prohibitions set forth in article 1 of Cybercrime Act No. 14 of 2014 constitute an exception to the principle of the free circulation of information online; hence, they do not conflict with the restrictions envisaged in article 19 of the Covenant. Moreover, this exception is itself restricted; it does not by any means extend to everything that is published and circulated on the Internet, but only to false news. Thus, it does not encroach upon the vast area of freedom granted to the public to circulate and disseminate information online, whatever its content. Legislators have sought to further restrict the application of the exception envisaged in article 1 of the Act by establishing that the false news must be

<sup>25</sup> Doha Metro - Lusail Tram - Qatar Rail ([qr.com.qa](http://qr.com.qa)).

<sup>26</sup> See [Al Meezan | Qatari Legal Portal | Legislation | Law No. 8 of 1979 on Publications and Publishing](#).

<sup>27</sup> See [Al Meezan | Qatari Legal Portal | Legislation | Law No. 8 of 1979 on Publications and Publishing](#).

published and circulated with criminal intent that has a bearing on the integrity of the State, on public order or on internal and external security. This is consistent with article 19 of the Covenant, which stipulates that any restrictions on the freedom to publish and exchange information must be such as are necessary to protect national security and public order. The same requirement is set forth in article 6 of the Cybercrime Act, according to which “national security” involves protecting the internal and external security of the State and safeguarding it against any threat. Moreover, the article uses the term “public order”, which is the same term as that used in article 19 of the Covenant, as a basis for the restriction to the principle of freedom to publish and circulate information online. In addition to the foregoing, and as part of efforts to promote the right to publish and circulate information online freely, a number of government bodies are working on a rewording of article 6 of Cybercrime Act No. 14 of 2014. The purpose of the amendment is to refine the terms used to express the restrictions envisaged in that article with a view to removing any overly general and ambiguous language, improving the way in which the article is enforced, avoiding any arbitrary interpretations and ensuring consistency with article 19 of the Covenant.

### **Forming associations**

114. As concerns freedom of association, the joint labour committees – which will be explained below – are akin to trade unions in name and meaning, and in the role and functions they perform.

115. Decree No. 21 of 2019 of the Minister of Administrative Development, Labour and Social Affairs regulates the conditions whereby workers’ representatives can be elected to the joint committees. This is in accordance with article 124 of the Labour Code (Act No. 14 of 2004), which concerns the establishment of such committees in enterprises that are subject to the provisions of the Code. The committees, which include representatives from the management of the company concerned as well as workers’ elected representatives, meet periodically to discuss matters related to work in the company, particularly occupational health and safety, and the amicable resolution of individual and collective disputes. This constitutes an important step on the path to reform and is evidence of a tangible effort on the part of the State to improve conditions for migrant workers and to protect and promote their rights, in line with international human rights and labour standards.

116. The Ministerial Decree defines the conditions for membership of the joint committees and explains how the electoral process is to be conducted so that workers can effectively choose their representatives on the committees. Under article 124 of the Labour Code, joint committees have been brought into being in establishments employing 30 or more workers. The committees are made up of 4 members in companies employing up to 200 workers; 6 members in companies employing between 200 and 500 workers; and 8 members in companies employing more than 500 workers. Half of the members represent the management and half represent the workers. With the formation of these joint committees, Qatar is ahead of many other countries in the region in the promotion of workers’ rights, especially since the committees are formed through direct election.

117. During the course of 2020, in order to enhance the capacity of workers to participate in the discussions of the joint committees, the Ministry ran a number of weekly workshops, interactive meetings and training courses for workers’ representatives on the committees. This initiative involved the ILO Project Office in Qatar, the International Trade Union Congress (ITUC), the Building and Wood Workers’ International (BWI), UNI Global Union and the International Transport Workers’ Federation (ITF).

## **Rights of the child (arts. 23, 24 and 26)**

### **Child protection**

118. The Criminal Code provides protection for children from all forms of violence, physical abuse and neglect, and from treatment involving neglect, abuse or exploitation generally, including sexual abuse.

119. The Juvenile Code (Act No. 1 of 1994) is designed to protect all juveniles and prevent them from offending and falling into delinquency. It includes provision for rehabilitation measures and behavioural change techniques aimed at preventing juveniles from offending and at helping them to become well-adjusted individuals.

120. Legislators have ruled out corporal punishment for juvenile offenders. In fact, article 8 of the Juvenile Code states that a juvenile under 14 years of age who commits a serious offence or a misdemeanour may not be sentenced to the penalties or measures prescribed for such offences, with the exception of expropriation or closure of premises. The juvenile is instead liable to one of the following measures: a reprimand; delivery into the custody of a guardian; enrolment in vocational training; compulsory fulfilment of specific obligations; probation; or placement in a social reform or medical institution.

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

122. In addition, legislators have imposed a requirement that children accused of a serious offence must have a lawyer and that, in cases where children are accused of a misdemeanour, the court can appoint a lawyer on their behalf.

123. Furthermore, courts may adjudicate a charge against a minor only after considering the reports provided by the competent authority at the Ministry of the Interior and by social workers, in order to ascertain the minor's physical, mental, psychological and social condition and its relevance to the minor's offending or vulnerability to offending.

#### **Age of criminal responsibility**

124. Article 1 (1) of the Juvenile Code (Act No. 1 of 1994) defines a juvenile as any male or female who is over 7 and under 16 years of age when he or she commits an offence or is at risk of offending. The age of criminal responsibility is addressed in article 7 of the Code, which states that persons under the age of 7 incur no responsibility.

125. The Children's Act, which is expected to be issued during the first quarter of 2021, will bring the age of criminal responsibility into line with the Convention on the Rights of the Child, to which Qatar is a party.

#### **Imposition of the death penalty and flogging on persons aged between 16 and 18**

126. It is inconceivable that the death penalty and flogging should be imposed on persons between the ages of 16 and 17 as a death sentence cannot be handed down against anyone who was not 18 years of age at the time the offence was committed. For its part, flogging is a penalty under Islamic sharia, which can be handed down only against persons with full legal capacity and cannot be imposed on children or minors.

#### **Establishing a special court for children**

127. Such a measure has already been taken with juveniles enjoying additional safeguards under article 28 of the Juvenile Code (Act No. 1 of 1994), which states: "The juvenile court alone is competent to consider cases involving juveniles who are accused of a serious offence or a misdemeanour, or who are at risk of falling into delinquency." The same article continues: "The court can convene in a social care home for juveniles at the request of the Ministry of the Interior." This applies in cases where juveniles have been placed in such institutions.

#### **Prohibiting the use of corporal punishment in the educational system**

128. Qatar has taken a body of measures to ensure that the school education system is run in a way that protects children's human dignity and that is consistent with the Covenant. Those measures include the following:

- A behavioural assessment policy for students in schools, issued under Ministerial Decree No. 22 of 2015 and subsequently amended by Ministerial Decree No. 30 of

2018. The policy covers the roles and responsibilities of the parties concerned (schools, teachers, social workers, psychologists, families, school behavioural management committees and student guidance offices). It also includes provision for analysing student behaviour and it addresses violations as well as preventive and disciplinary measures. The policy focuses on promoting positive behaviour and on prevention while also being careful to promote educational values and to maintain complete confidentiality in cases of behavioural irregularities. It also seeks to avoid non-educational approaches to dealing with behavioural violations, such as physical, psychological and verbal abuse of any kind.

- Student guidance is addressed under Ministerial Decree No. 33 of 2013, article 3 of which defines the tasks and functions involved in guiding students. These consist in supervising the students in the light of the application of the behavioural assessment policy in schools; raising awareness about the rules of conduct among students, parents and the school system in general; examining different instances of student behaviour and finding appropriate solutions; and cooperating and communicating with the competent authorities.
- The Ministry of Education and Higher Education has also run programmes intended to raise awareness among school staff and to prevent the use of corporal punishment:
  - Coordinating a number of annual training courses for social workers to raise awareness about the importance of not using any kind of corporal punishment in mechanisms for dealing with violence and other matters;
  - Focusing educational programmes on schools where there are cases of violence or of non-educational interactions with students. This takes the form of training courses for principals, teachers and the school management board to explain students' age-related characteristics and their psychological needs at each stage. In this connection, a training plan is drawn up by the school and approved by the occupational development centre;
  - Enrolling social workers and psychologists in training programmes run by national institutions concerned with children's rights – such as the Qatar Foundation for Protecting Women and Children – in order to gain a better understanding of cases of violence among students and how to deal with them. Action is also taken to ensure that schools run a number of awareness-raising programmes throughout the academic year.

129. While not explicitly criminalizing the corporal punishment of children, the Criminal Code imposes penalties for acts against the physical integrity of the person, which include corporal punishment when grave enough to constitute a criminal act, in which event it is punishable under articles 206 to 210 of the Code on offences involving assault.

### **Participation in public affairs (arts. 7, 14, 25 and 26)**

130. When opening the forty-ninth regular session of the Shura Council on 3 November 2020, the Emir of Qatar announced that elections to the Council would be held in October 2021, in line with the Permanent Constitution. This constitutes an important step that will advance and develop the legislative process, with the participation of citizens. His Highness the Emir has also issued Decree No. 47 of 2019 for the establishment and formation of a supreme committee for the Shura Council elections. The Decree defines the mandate of the committee, which is to be headed by the Prime Minister and is to monitor preparations for the forthcoming elections, drafting the necessary bills and proposing a timetable. The date of the elections will be announced once the committee has completed its work.

131. In determining the timetable, account has had to be taken of the constitutional procedures required, which include the issuance of various laws and the activation of legislative mechanisms. These include an Act to regulate the elections setting down the conditions for candidacy to the Council and for voting, a Decree defining the areas of electoral districts and other necessary administrative procedures. The Government will submit these laws to the Shura Council for it to give its approval, in line with the Constitution.

132. There are no laws that restrict the formation of political parties. In fact, the Constitution contains no provisions concerning the formation of political parties. Decree No. 47 of 2019 gives the supreme electoral committee the task of overseeing preparations for the elections and of drafting the necessary bills, including an Act to regulate the elections that sets down the conditions for candidacy.

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