



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Qatar*

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

1. Please provide further information about the constitutional and legal framework within which the Covenant is implemented. In this regard, please (a) provide examples of any cases in which the courts have invoked or directly applied the provisions of the Covenant, (b) indicate whether the State party intends to ratify the first Optional Protocol to the Covenant, (c) discuss the status of the Covenant within the national legal order, particularly in cases of incompatibilities between sharia and its provisions, and (d) clarify whether the State party intends to review its position regarding reservations to articles 3 and 23 (4).
2. Please describe the measures adopted to ensure the independence and effectiveness of the National Human Rights Committee. Please include information about its annual budget and the specific measures in place to ensure its full independence.
3. Please describe the degree of participation of civil society organizations in the process of formulating the State party's initial report to the Committee. Please indicate which agencies are responsible for ensuring follow-up to the concluding observations issued by the treaty bodies.

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

4. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic. In particular, please specify whether any such measures derogate from the State party's obligations under the Covenant, including with respect to the right to freedom of assembly, the right to freedom of movement, the right to privacy and the right to leave the country. If so, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2), and whether other States parties were notified of the measures, via the Secretary-General of the United Nations.
5. Please respond to reports that the State party's counter-terrorism legislation allows for derogations from the rights and safeguards enshrined in the Code of Criminal Procedure. In this regard, please provide information about the following: (a) the compatibility of legal provisions such as Act No. 17 of 2002 concerning the protection of society, Act No. 5 of 2003 concerning the establishment of the State security apparatus and Act No. 3 of 2013 on combating terrorism (as amended in 2017) with the provisions of the Covenant, including

* Adopted by the Committee at its 129th session (29 June–24 July 2020).



whether they allow for long periods of pretrial detention, including “precautionary detention”, which are outside the scope of the Code of Criminal Procedure and not subject to judicial oversight; (b) the number of individuals arrested and held under such provisions and the average length of time for which they were held before being charged with an offence; (c) the definition of terrorism in the relevant legislation.

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

6. Please indicate the legislative and other measures taken, since the State party’s accession to the Covenant, to combat laws and social practices that are discriminatory on the basis of sex, sexual orientation, religion, race, ethnicity, disability and nationality status. Please include information about the steps taken to develop comprehensive anti-discrimination legislation, including provisions that prohibit discrimination on the above grounds.

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

7. Please elaborate on the State party’s plans, in the context of the Qatar National Vision 2030, to achieve full gender equality. In this regard, please provide information about the following: (a) the measures in place to increase the proportion of women in decision-making roles within the private and public sectors, including the adoption of any temporary special measures; (b) any efforts to address the lower overall labour market participation among women, including programmes to combat stereotypes regarding the role of women in the family and society, which may be contributing to this gap; (c) whether the State party intends to reform the Nationality Act No. 38 of 2005 in order to ensure that Qatari women married to non-Qatari men may transfer their nationality on an equal basis with Qatari men.

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

8. Please provide an update on the measures taken to tackle gender-based violence against women and girls, including migrant domestic workers. Please discuss the progress made in the State party to criminalize domestic violence and marital rape, including the status of the law on domestic violence drafted in 2014. Please also provide information about the number of investigations, prosecutions and convictions of perpetrators, including the penalties imposed, and data about the remedies and psychosocial support provided to victims.

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

9. Please explain the circumstances under which voluntary termination of pregnancy is legal under Act No. 2 of 1983 concerning the practice of human medicine and dental medicine and surgery, including by clarifying whether it is available in cases in which the women’s life is at risk or she is a victim of rape or incest. Please indicate the measures taken to ensure that women and girls have safe, effective access to legal abortion, and are not forced to undertake unsafe abortion procedures, which can threaten their life, or to travel overseas to gain access to abortion services. Please discuss whether there are any plans to broaden legal access to safe abortion within the State party.

Right to life (arts. 6 and 7)

10. Please provide additional information about the safeguards in place to ensure that the use of the death penalty in the State party is compliant with the requirements of the Covenant, as outlined in section IV of the Committee’s general comment No. 36 (2018) on the right to life. In this regard, please clarify for which crimes the death penalty may be applied under the law, and discuss the compatibility of such provisions with the Covenant. Please discuss whether the State party intends to take steps towards a full moratorium on the death penalty and whether it is considering ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

11. Please respond to reports of multiple deaths among migrant workers undertaking manual labour in extreme heat conditions and provide detailed information about the steps taken to ensure safe working conditions for workers on construction sites, including those completing work related to preparations for the 2022 Fédération Internationale de Football Association World Cup. Please provide information about the number of such deaths and discuss all the measures that are in place to protect workers, including the extent to which their implementation is effectively monitored and enforced among employers. Please provide information about efforts to investigate the deaths of all migrant workers and to provide access to justice for the family members of those who have died, including reparations and guarantees of non-repetition.

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

12. Please provide up-to-date information on efforts to abolish the *kafalah* system, including the implementation of Act No. 13 of 2018 amending article 7 of Act No. 21 of 2015, which regulates the entry, exit and residency of non-nationals; Act No. 15 of 2017 concerning domestic workers, which provides legal protection for domestic workers; and Act No. 17 of 2018 concerning the establishment of a migrant workers' support and insurance fund. Please discuss the efficacy of the implementation of these measures in addressing exploitative labour practices, including forced labour, among migrant workers, and indicate what steps will be taken to continue reform of the *kafalah* system. Please also discuss the 2018–2020 technical cooperation programme with the International Labour Organization, and whether this agreement will be extended. Please provide updated data on the number of investigations, prosecutions and convictions for forced labour since the State party's accession to the Covenant, and the penalties imposed for such crimes.

13. Please elaborate further on the State party's response to human trafficking. In this regard, please provide information about the following: (a) the implementation of the Human Trafficking Act No. 15 of 2011; (b) the role and mandate of the National Committee for Combating Human Trafficking and the services in place for victims of trafficking, including shelters and progress towards achieving the National Plan for Combating Human Trafficking 2017–2022; (c) the number of complaints, investigations, prosecutions and convictions secured under the Human Trafficking Act and the reparations and psychosocial assistance provided to victims. Please also respond to reports of incidents in which victims of trafficking have been prosecuted for prostitution and/or violations of immigration laws.

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)

14. Please provide further information about the legal framework prohibiting torture, including the minimum sentences for such crimes and the way in which the absolute and non-derogable nature of the right to freedom from torture and other cruel, inhuman and degrading treatment is enshrined in national law. Please also provide disaggregated information about the number of investigations, prosecutions and convictions for such acts that have been secured since the State party's accession to the Covenant, including the penalties imposed and the compensation and psychosocial support provided to victims. Additionally, please respond to reports that flogging and stoning may be applied as criminal sanctions under the law and indicate whether the State party intends to review such provisions.

15. Please respond to reports about individuals having been detained in Qatar on the basis of the criminalization of non-violent acts, including adultery, intimate relations outside wedlock, same-sex relations, absconding from an employer, sorcery, disobedience to parents, begging, the consumption of alcohol and substance abuse. Please provide disaggregated data on the number of people held on such a basis, including the number and percentage of women among those detained for offences relating to adultery and intimate relations outside marriage and the percentage, and indicate whether the State party intends to decriminalize such acts or develop alternatives to detention.

16. Please respond to reports that a large number of individuals, who are often foreign nationals, are held in detention owing to their inability to repay a debt following violations of articles 357 and 358 of the Criminal Code, under which it is a criminal offence to write a cheque without sufficient funds. Please provide disaggregated data on the number of individuals held on such a basis and indicate whether there have been efforts to reform such practices.

17. Please respond to reports that a large proportion of the prison population is in pretrial detention, and that such detention is used for extended periods of time. Please provide up-to-date and disaggregated data on the number of people held in pretrial detention and indicate whether the State party is taking measures to reduce its use.

18. Please respond to reports of prison overcrowding and provide information about measures that have been taken to address this problem, including exploring alternatives to detention, using of bond and bail provisions and releasing prisoners, particularly those convicted of non-violent offences or those being held owing to their inability to fulfil a contractual obligation, as discussed in paragraphs 15 and 16 above. Please also respond to reports of a COVID-19 outbreak in Doha central prison, and discuss whether measures to address prison overcrowding and protect particularly vulnerable detainees have been taken as part of the State party's response to the COVID-19 pandemic.

Right to leave a country (art. 12)

19. Please provide information about what steps the State party has taken, following the 2017 diplomatic crisis and subsequent changes to regional border controls, to ensure that mixed Qatari-Emirati families are able to reside together, including in cases involving individuals leaving Qatar.

Rights of refugees and asylum seekers (art. 13)

20. Please indicate whether there are plans for the State party to reform the Political Asylum Act No. 11 of 2018 in order to remove restrictions under articles 9 and 11 on the freedom of movement and association among asylum seekers and refugees.

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

21. In the light of the fact that judges are appointed by royal decree by the Emir upon proposal by the Supreme Judicial Council, please elaborate on the steps taken to ensure judicial impartiality and independence, and the autonomy of prosecutors. Please include information about the following: (a) the selection criteria used for the appointment of judges and prosecutors; (b) the length of contracts issued to judges and prosecutors, including non-Qatari nationals; (c) whether there is a written code of conduct for members of the judiciary in the State party and whether the Emir has the power to dismiss judges and prosecutors in the public interest. Please respond to reports of individuals being denied the procedural safeguards of a fair trial, contrary to article 14 of the Covenant, such as inadequate access to counsel, including in a language that they can understand, restrictions on defendants' ability to address the courts, and the use of trials in absentia without adequate attempts to summon defendants.

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

22. Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-discriminatory basis. Please clarify what steps have been taken to allow the construction of and access to places of worship by different religions. Please provide information on the possibility of converting from one religion to another and on the criminalization of blasphemy, apostasy and proselytizing.

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

23. Please respond to reports that individuals in Qatar have been sentenced to long prison sentences for defamation and indicate whether there are any plans to reform the legal

framework in order to decriminalize defamation. Please include disaggregated information about those charged with defamation, since the State party's accession to the Covenant, including any journalists and human rights defenders, such as Amal Eisa.

24. Please respond to reports of severe restrictions on the freedom of expression and opinion, including in relation to the sharing of information online. In this regard, please provide specific information about the compatibility of various legal provisions – including Act No. 8 of 1979 on Publications and Publishing and the Cybercrime Prevention Act No. 14 of 2014 – with the provisions of the Covenant. Please also discuss Act No. 2 of 2020 amending the Criminal Code and respond to reports that significant custodial sentences and fines may be awarded for broadly worded and vague actions relating to the dissemination of false information.

25. Please provide a summary of how the rights to freedom of association and assembly are upheld in the State party. In this regard, please: (a) clarify whether prior authorization is needed for public events, including protests; (b) explain whether non-citizens are able to exercise freely the right to assembly; (c) respond to reports that all non-governmental organizations are required to obtain a licence from the Ministry of Administrative Development, Labour and Social Affairs, and provide information about the number of registered non-governmental organizations in the State party and the number of licence applications that have been refused since the State party's accession to the Covenant; (d) provide the number of trade unions in Qatar, and clarify whether the legal framework in place allows for union membership among non-citizens, government employees and household workers.

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

26. Please provide up-to-date information on the status of the process of reviewing the juvenile justice system in the State party. In this regard, please provide information about the following: (a) the exact age of criminal responsibility in the State party and whether there are plans to increase it; (b) whether the death penalty, labour and flogging may be imposed on those aged between 16 and 18 years, and if so, whether there are plans for reform of such provisions; (c) the status of efforts to establish a specialist children's court, train judicial officers to work in it, explore alternatives to detention for children and take measures to ensure the provision of legal counsel to children throughout legal proceedings.

27. Please clarify the exact legal status of the use of corporal punishment against children, including whether it is prohibited in all settings, such as the home and alternative care settings, and if not, whether the State party intends to fully criminalize corporal punishment against children in all settings.

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

28. Please provide an update on the status of efforts to hold elections for 30 of the 45 seats on the Advisory Council every four years, as outlined in the 2003 Constitution, including when such elections are expected to be held. Please also explain why such elections have been delayed to date and elaborate on any steps that have been taken to review, amend or rescind existing laws and regulations that prevent the formation of political parties.
