



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

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## Committee against Torture

### List of issues prior to submission of the third periodic report of Qatar, due in 2016\*

The Committee against Torture, at its thirty-eighth session (A/62/44, paras. 23 and 24), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to the present list of issues will constitute its report under article 19 of the Convention.

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

#### Articles 1 and 4

1. In the light of the Committee's previous concluding observations (CAT/C/QAT/CO/2, para. 8), please provide information on the measures taken, and procedures in place, to ensure that:

(a) The amended definition of torture under articles 159 and 159 bis of the Criminal Code is effectively implemented. Please provide information on cases in which those provisions have been invoked before and by the courts;

(b) The crime of torture and ill-treatment is punishable by appropriate penalties that take into account their grave nature, as set out in article 4, paragraph 2, of the Convention.

\* Adopted by the Committee at its fifty-third session (3–28 November 2014).



**Article 2<sup>1</sup>**

2. In the light of the Committee's previous concluding observations (paras. 10 and 11 (a)), please provide information on the steps taken to ensure that all fundamental safeguards are provided, in law and in practice, for all persons deprived of their liberty, and to implement effectively the relevant national legislation referred to in the State party's information on follow-up to the concluding observations (CAT/C/QAT/CO/2/Add.1, paras. 2–25), in particular by:

(a) Ensuring that all detainees, including non-citizens, are afforded, in practice, all fundamental legal safeguards from the very outset of detention, including the rights to promptly receive independent legal assistance and a medical examination by an independent doctor free of charge, contact relatives, and appear before a judge within a time limit that is in accordance with international standards;

(b) Ensuring that all detainees, including minors, are included on a central register;

(c) Ensuring effective monitoring of the adherence of all personnel to the laws governing safeguards, and disciplining or prosecuting those who fail to provide safeguards to persons deprived of their liberty as required by law;

(d) Introducing systematic video and audio monitoring and recording of all interrogations, in all places where torture and ill-treatment are likely to occur, and providing the necessary resources to that end;

(e) Ensuring the availability of judicial and other remedies that will allow all persons deprived of their liberty to have their complaints promptly and impartially examined, and to challenge the legality of their detention or treatment.

3. Please respond to allegations before the Committee that detained migrant workers have limited ability to contact their families, limited access to legal assistance and consular services and virtually no professional interpretation services. What steps have been taken to improve procedural safeguards for all detained migrants, in line with international human rights standards, including access to information in a language they understand on the reason for their detention, its duration and the right and means to challenge the detention?<sup>2</sup>

4. In the light of the Committee's previous concluding observations (para. 11 (b) and (c)), please provide information on the progress made in amending the Protection of Society Law (Law No. 17 of 2002), the Law on Combating Terrorism (Law No. 3 of 2004) and the Law on the State Security Agency (Law No. 5 of 2003) to bring them into conformity with the Convention. Please describe the steps taken by the State party to abolish the use of incommunicado detention and to use solitary confinement as an exceptional measure only, for as short a time as possible under strict supervision and with the possibility of judicial review, in line with international standards. Furthermore, please provide statistics indicating the number of persons arrested by the State security agency personnel, as well as all persons arrested on suspicion of violating the Protection of Society

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<sup>1</sup> The issues raised under article 2 could also be relevant to other articles of the Convention, such as article 16. As stated in paragraph 3 of general comment No. 2 (2007) on the implementation of article 2 by States parties, "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See also chapter V of the same general comment.

<sup>2</sup> See A/HRC/26/35/Add.1, paras. 65 and 122, and A/HRC/26/21, case No. QAT 1/2014, p.64.

Law and the Law on Combating Terrorism, and the length of time that elapsed before they were charged with an offence.<sup>3</sup>

5. In the light of the Committee's previous concluding observations (para. 13), please provide information on the measures taken to fully ensure the independence of the judiciary, in conformity with international standards, such as the Basic Principles on the Independence of the Judiciary. What progress has been made to respond to the problems that have been identified, such as the lack of implementation of the constitutional provisions relating to the separation of powers, the apparent lack of independence of the Prosecutor General from the executive, institutionalized gender discrimination within the administration of justice, and issues related to the independence of non-Qatari judges.<sup>4</sup>

6. In the light of the Committee's previous concluding observations (para. 16), please provide information on the measures taken to ensure that (a) the National Human Rights Committee (NHRC) is able to monitor and investigate effectively and independently allegations of torture or ill-treatment by State officers; (b) NHRC has sufficient resources to discharge its mandate; and (c) all relevant authorities follow up on the recommendations issued by NHRC. Please provide information on the number of complaints received by NHRC related to violations of the provisions of the Convention, the actions taken and their outcome. Has there been any progress in reducing the number of governmental officials who are members of NHRC and limiting their roles, in particular, in undertaking detention monitoring and adopting recommendations, with a view to strengthening the full independence of NHRC in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles)?

7. In the light of the Committee's previous concluding observations (para. 19) and the recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW/C/QAT/CO/1, para. 24), as well as the commitment made by the State party in the context of the universal periodic review (A/HRC/27/15, paras. 122.39 and 122.44), please provide information on the measures taken and planned to prevent and punish violence against women, including domestic and sexual violence,<sup>5</sup> inter alia, by:

(a) Establishing a comprehensive system of protection against domestic violence. Please provide information on the accessibility and effectiveness of the systems in place, including the Qatar Foundation for the Protection of Women and Children (CAT/C/QAT/CO/2/Add.1, para. 30). Does that Foundation provide the same services to Qatari and non-Qatari women?;

(b) Adopting specific legislation to criminalize all forms of violence against women, including domestic violence and marital rape, with no exemptions and within a clear time frame, and ensuring accountability of all perpetrators of such acts by undertaking prompt, impartial and effective investigations into complaints, prosecuting perpetrators of such violence and punishing them with appropriate penalties;

(c) Guaranteeing the rights of all women victims of violence, including domestic workers, to adequate redress and reparation, including the means for as full a rehabilitation as possible;

<sup>3</sup> See A/HRC/WG.6/19/QAT/3, paras. 13, 35, 39 and 76.

<sup>4</sup> See A/HRC/WG.6/19/QAT/2, paras. 36–38; A/HRC/WG.6/19/QAT/3, paras. 37 and 38; and the preliminary observations on the official visit to the State of Qatar by the Special Rapporteur on the independence of judges and lawyers (19–26 January 2014). Available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14202&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14202&LangID=E).

<sup>5</sup> See CAT/C/QAT/CO/2/Add.1, paras. 30–51.

(d) Systematically collecting data on violence against women and girls, disaggregated by age and the relationship between the victim and the perpetrator.

8. In the light of the Committee's previous concluding observations (para. 20), the recommendations made by the Committee on the Elimination of Discrimination against Women in 2014 (CEDAW/C/QAT/CO/1, para. 26) and the findings and recommendations of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23/Add.2), please provide information on the measures taken to:

(a) Effectively implement the current laws combating trafficking, including Law No. 15 of 2011, in particular by conducting prompt, impartial and effective investigations into all reports of trafficking and by bringing perpetrators to justice by imposing sentences appropriate to the nature of their crimes;

(b) Ensure systematic procedures are in place to identify victims of trafficking among vulnerable groups, such as those arrested for immigration offences or prostitution, and provide victims with protection and access to medical, social rehabilitation and legal services, including counselling,<sup>6</sup> as appropriate;

(c) Create adequate conditions for victims to bring complaints, including by ensuring that they are properly informed about their rights and the ways in which complaints about violations of those rights can be brought in a language that they can understand;

(d) Ensure that victims of trafficking have access to effective remedies and reparation;

(e) Collect data and establish appropriate mechanisms aimed at early identification and referral of, and assistance and support for, victims of trafficking, especially women migrant workers arrested for "absconding" and other breaches of the sponsorship law, violations of the immigration law or prostitution.

9. Please provide information, disaggregated by the age and ethnicity of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences handed down in cases of gender-based violence and human trafficking since the consideration of the second periodic report of Qatar in 2012. Please include data on the cases that have been registered and monitored by the Qatar Foundation for the Protection of Women and Children (CAT/C/QAT/CO/2/Add.1, para. 30).

### **Article 3**

10. In the light of the Committee's previous concluding observations (para. 21), please provide information on:

(a) Steps taken to ensure that the State party fulfils all its non-refoulement obligations under article 3 of the Convention, considers all elements of an individual case, and provides, in practice, all procedural guarantees to the person expelled, returned or extradited. What progress has been made in adopting national asylum legislation and procedures to provide asylum seekers and refugees with effective protection from refoulement?;

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<sup>6</sup> See A/HRC/WG.6/19/QAT/2, para. 34.

(b) The State party's position on acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>7</sup>

11. Please provide data, disaggregated by age, sex and ethnicity, on:

- (a) The number of asylum applications registered;
- (b) The number of applicants in detention;
- (c) The number of applicants whose application for asylum was accepted;
- (d) The number of applicants whose application for asylum was accepted on the grounds that they had been tortured or might be tortured if returned to their country of origin;
- (e) The number of cases of refoulement or expulsion.

12. Please indicate the number of cases of refoulement, extradition and expulsion from the State party during the reporting period in which the Government accepted diplomatic assurances or the equivalent thereof, as well as any instances in which the State party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what subsequent monitoring measures have been taken in such cases?

#### **Articles 5 and 7**

13. Please indicate whether the State party has, since the consideration of the previous report, rejected for any reason any request from another State for the extradition of an individual suspected of having committed an offence of torture, and started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

14. In the light of the Committee's previous concluding observations (para. 25), please provide information on the legislative or other measures taken to ensure that acts of torture are subject to universal jurisdiction in national law, in accordance with article 5 of the Convention. Are acts of torture considered universal crimes under national law, wherever they occur and whatever the nationality of the perpetrator or victim? Please provide examples of any such cases that have resulted in prosecution.

#### **Article 10**

15. In the light of the Committee's previous concluding observations (para. 23), please provide information on:

(a) Educational and training programmes developed and implemented by the State party to ensure that all officials dealing with persons deprived of their liberty, including all members of the judiciary and prosecutors, are fully aware of the State party's obligations under the Convention;

(b) Steps taken to ensure that all personnel involved with detainees, including medical staff, receive adequate training in the detection of signs of torture and ill-treatment in accordance with international standards, as outlined in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);

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<sup>7</sup> Ibid., para. 56.

(c) Efforts made to develop and implement a methodology to assess the effectiveness of the educational and training programmes and their impact on the number of cases of torture and ill-treatment.

#### **Article 11**

16. In the light of the Committee's previous concluding observations (para. 15), please provide information on the measures taken to:

(a) Ensure that fully independent monitoring, including unannounced visits, of all places used for deprivation of liberty, including the Deportation Detention Centre, psychiatric facilities and the State security prison, takes place on a regular basis;

(b) Follow up effectively on the outcome of such systematic monitoring in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;

(c) Strengthen the mandate and resources of the National Human Rights Committee and other national monitoring mechanisms. Does the State party plan to allow non-governmental organizations and relevant international mechanisms to monitor places of detention? Please indicate whether the State party intends to ratify the Optional Protocol to the Convention against Torture and, if so, the status of the ratification process.

17. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for custody of persons subject to all forms of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report with a view to preventing cases of torture or ill-treatment, and details on the frequency with which such rules and arrangements are reviewed.

#### **Articles 12 and 13**

18. In the light of the Committee's previous concluding observations (para. 14), as well as the State party's follow-up information (CAT/C/QAT/CO/2/Add.1, paras. 26–29), please provide information on the measures taken to ensure that:

(a) Information about the possibility of and procedure for filing a complaint against the police is made available and widely publicized, including by being prominently displayed in all detention facilities;

(b) All allegations of torture and ill-treatment are investigated promptly and thoroughly by independent bodies, with no institutional or hierarchical connection between the investigators and the alleged perpetrators among the police.

19. Please provide detailed statistical data, disaggregated by crime, nationality, ethnicity, age and sex, on complaints relating to torture and ill-treatment and any related investigations, prosecutions, penal and disciplinary sanctions applied.<sup>8</sup>

#### **Article 14**

20. In the light of the Committee's previous concluding observations (para. 24) and its general comment No. 3 (2012) on the implementation of article 14 by States parties, please provide information on:

(a) Redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families since the consideration of the last periodic report;

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<sup>8</sup> See CAT/C/QAT/CO/2/Add.1, paras. 26–29.

(b) Steps taken to ensure that all victims of trafficking, including migrant workers, have access to effective remedies for torture and ill-treatment, including compensation and rehabilitation;

(c) The number of requests made for redress and compensation, the number granted, the amount of compensation ordered and the amount actually provided in each case;

(d) Rehabilitation programmes provided to victims of torture and ill-treatment. Please indicate whether the programmes include medical and psychological assistance.

#### Article 15

21. Please indicate what steps have been taken to ensure, in law and in practice, that evidence obtained by torture is not be invoked as evidence in any proceedings, in accordance with article 15 of the Convention. Please indicate which provision of the Criminal Code applies in that case.

#### Article 16

22. In the light of the Committee's previous concluding observations (para. 17),<sup>9</sup> please provide information on the measures taken to:

(a) Protect human rights defenders from intimidation or violence as a result of their activities;

(b) Ensure prompt, impartial and effective investigation and appropriate punishment of any intimidating or violent acts against human rights defenders. Please provide information on any cases in which prosecution or punishment has been handed down for such acts.

23. In the light of the Committee's previous concluding observations (para. 18), as well as the findings and recommendations of the Special Rapporteur on the human rights of migrants, following his mission to Qatar in 2013 (A/HRC/26/35/Add.1),<sup>10</sup> please provide detailed information on the situation of migrant workers, including female domestic workers, in Qatar and on the measures taken to provide legal protection to them against torture, ill-treatment and abuse and to guarantee them access to justice.<sup>11</sup> In particular, please provide information on:

(a) Progress made in adopting labour legislation covering domestic work and providing legal protection to migrant domestic workers against exploitation, ill-treatment and abuse, in line with the international standards. In that regard, does the State party plan to ratify International Labour Organization (ILO) Convention No. 189 (2011) concerning domestic work for domestic workers, incorporate the provisions thereof into national law, and implement them in law, policy and practice?;

(b) Steps taken or planned to abolish or reform the sponsorship system (*kafeel*) and to improve the recruitment process. Does the State party plan to seek technical

<sup>9</sup> See also CEDAW/C/QAT/CO/1, para. 29.

<sup>10</sup> See also A/HRC/26/35/Add.2.

<sup>11</sup> See CEDAW/C/QAT/CO/1, paras. 37–38; CERD/C/QAT/CO/13-16, para. 15; A/HRC/WG.6/19/QAT/3, paras. 18–22; A/HRC/27/15, para. 124; and A/HRC/26/21, case Nos. QAT 2/2013 (p. 22) and QAT 1/2014 (p. 64).

assistance from ILO and the Office of the United Nations High Commissioner for Human Rights in that regard?<sup>12</sup>

(c) Data on complaints of ill-treatment of migrant workers filed with the authorities, the action taken to resolve cases, the remedies provided to victims and the punishment imposed on employers found guilty of ill-treatment. Has any progress been made in inspecting places of work where migrant workers, including domestic workers, have complained about violations; systematically investigating all allegations of exploitation, abuse and violence against migrant domestic workers; and prosecuting and adequately punishing abusive or exploitative employers and agents?<sup>13</sup>

24. In the light of the Committee's previous concluding observations (para. 12), as well as the commitment made by the State party in the context of the universal periodic review (A/HRC/14/2, para. 85.14), please provide information on the measures taken by the State party to put an end to its imposition of corporal punishment and modify its legislation accordingly. Please provide detailed information on the steps taken to explicitly prohibit corporal punishment of children in all settings, including in the family, schools, alternative care settings and places of detention for juveniles.<sup>14</sup>

25. In the light of the Committee's previous concluding observations (para. 22), please provide information on:

(a) The progress made in raising the minimum age of criminal responsibility to an internationally acceptable level;

(b) The steps taken to ensure full implementation of juvenile justice standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines).

#### **Other issues**

26. With regard to the Committee's previous concluding observations (para. 9), please indicate any changes in the State party's position on withdrawing its reservations to articles 21 and 22 of the Convention and any steps taken to accept the competence of the Committee under articles 21 and 22.<sup>15</sup>

27. Please provide updated information on the measures taken by the State party to respond to any threats of terrorism. Please indicate whether anti-terrorism measures have affected human rights safeguards in law and in practice and, if so, how. Please explain how the State party has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with the relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers, and indicate the number and type of convictions handed down under such legislation, the legal remedies available to persons subject to anti-terrorist measures, whether there are complaints of non-observance of international standards and, if so, the outcome of those complaints.

28. None of the recommendations concerning a formal moratorium on or abolition of the death penalty, made in the context of the universal periodic review (A/HRC/27/15,

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<sup>12</sup> See A/HRC/4/23/Add.2, para. 95 (g), and A/HRC/26/35/Add.1, paras. 25–32 and 95.

<sup>13</sup> See A/HRC/26/35/Add.1, paras. 116–120.

<sup>14</sup> See A/HRC/27/15, para. 114; A/HRC/WG.6/19/QAT/3, para. 24; and A/HRC/WG.6/19/QAT/2, para. 26.

<sup>15</sup> See A/HRC/WG.6/19/QAT/2, p. 2.



paras. 125.1 to 125.6), were accepted by Qatar. Please provide information on the precise list of offences for which the death penalty can be imposed under national criminal law. Has the State party taken steps to review its legislation with a view to assessing whether offences carrying the death penalty are strictly restricted to the most serious crimes?<sup>16</sup>

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

29. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations. That may include institutional developments, plans and programmes, including resources allocated, and statistical data or any other information that the State party considers relevant.

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<sup>16</sup> A/HRC/WG.6/19/QAT/3, para. 12.