



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

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COMMITTEE AGAINST TORTURE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

QATAR

1. The Committee considered the initial report of Qatar (CAT/C/58/Add.1) at its 707th and 710th meetings, held on 9 and 10 May 2006 (CAT/C/SR.707 and CAT/C/SR.710), and adopted, at its 722nd meeting on 18 May 2006 (CAT/C/SR.722), the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the initial report of Qatar, as well as the opportunity to initiate a constructive dialogue with the representatives of the State party. It regrets, however, that the report, due on 10 February 2000, was submitted over four years late. It also notes that the report does not fully conform to the Committee's guidelines for preparation of initial reports and lacks both a core document and information on how the Convention's provisions are applied in practice in the State party. The initial report limits itself mainly to statutory provisions rather than analysis of implementation supported by examples and statistics.

B. Positive aspects

3. The Committee acknowledges the extensive and ongoing efforts of the State party to reform its legal and institutional system, and welcomes the delegation's affirmation that there is "political will in the State at its highest levels" to promote and protect human rights, particularly those guaranteed in the Convention.

4. The Committee also welcomes the adoption of a new Constitution, which entered into force on 9 June 2005 and includes guarantees of human rights, notably including, in article 36, that no one may be subjected to torture or degrading treatment and that torture is an offence punishable by law.
5. The Committee notes with interest the establishment by Decree No. 38 of 2002 of the National Human Rights Committee, which aims to promote and ensure respect for human rights, to investigate possible violations of human rights and fundamental freedoms in order to redress them, and to interact with international and regional organizations concerned with human rights.
6. Additionally, the Committee welcomes actions taken by the State party to combat trafficking, including in particular Law No. 22 of 2005, which bans trafficking of children related to camel racing, and notes the measures begun by the State party to provide rehabilitation and compensation to persons trafficked in this regard.
7. Further, the Committee notes the creation of the Qatari Institution for the Protection of Women and Children in 2003 as well as the establishment of a set of telephone hotlines to aid persons complaining of abuse.
8. The Committee welcomes the State party's cooperation with the Office of the High Commissioner for Human Rights, as well as the establishment of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region.

C. Subjects of concern and recommendations

9. The Committee is concerned about the following matters: the broad and imprecise nature of the State party's reservation to the Convention, which consists of a general reference to national law without specifying its contents and does not clearly define the extent to which the reserving State has accepted the Convention, thus raising questions as to the State party's overall implementation of its treaty obligations.

While appreciating the statement made by the representative of the State party that the reservation to the Convention will not impede the full enjoyment of all the rights guaranteed in it, the Committee recommends that the State party consider re-examining its reservation with a view to withdrawing it.

10. There is a lack of comprehensive definition of torture in domestic law necessary to meet the requirements of article 1 of the Convention. References to torture in the Constitution and to cruelty and harm in other domestic law, including the Penal Code and Code of Criminal Procedures, are imprecise and incomplete.

The State party should adopt a definition of torture in domestic penal law consistent with article 1 of the Convention, including the differing purposes set forth therein, and should ensure that all acts of torture are offences under criminal law, and that appropriate penalties are established for those responsible for such acts.

11. The Committee is also concerned at the threats to the independence, in practice, of judges, a large proportion of whom are foreign nationals. Since residency permits for foreign judges are granted by civil authorities, a sense of uncertainty as to the security of their tenure and an undue dependency on the discretion of such authorities may be created, thus bringing pressure on judges. As well, under the Constitution, all persons are equal before the law, but a variety of protections are afforded only to citizens. Further, the State party did not clarify the number of women in the judiciary and the nature of their jurisdiction.

The State party should adopt effective measures to fully ensure the independence of the judiciary, in accordance with the Basic Principles on the Independence of the Judiciary. The State party should also adopt measures to ensure that female judges may serve and address the same jurisdictions as male judges.

12. Certain provisions of the Criminal Code allow punishments such as flogging and stoning to be imposed as criminal sanctions by judicial and administrative authorities. These practices constitute a breach of the obligations imposed by the Convention. The Committee notes with interest that authorities are presently considering amendments to the Prison Act that would abolish flogging.

The State Party should review those legal provisions of the Criminal Code which authorize the use of such prohibited practices as criminal sanctions by judicial and administrative officers, with a view to abolishing them immediately.

13. The absence of legal provisions that explicitly prohibit the expulsion, refoulement or extradition of a person to another State where there are substantial grounds for believing that that person would be in danger of being subjected to torture. Further, there is no provision in domestic law that grants asylum or refugee status, offering protection to such persons.

The State party should ensure respect in law and practice for the obligations set forth in article 3 of the Convention in all circumstances, and fully incorporate provisions into domestic law that regulate asylum and refugee status.

14. There are different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal right to be free from conduct that violates the provisions of the Convention, including their human right to complain of such conduct.

The State party should ensure that the Convention and its protections are applicable to all acts that are in violation of the Convention and that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein.

15. The apparent absence of training with regard to education and information about the prohibition of torture, and insufficient awareness by public officials on the provisions of the Convention.

The State party should ensure that trainings and programmes are organized for law-enforcement, civil, military and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any

individual deprived of his/her liberty, in order to allow them to identify the physical consequences of torture, to respect the absolute prohibition of torture, and to take measures to ensure prompt and effective investigations into complaints of any such acts. The Committee further encourages the State party to take into account gender issues and to ensure that training programmes are provided to medical personnel engaged in rehabilitation.

16. Some detainees are subject to limitations on the right to have access to a lawyer, an independent doctor, and/or to notify one's family. For example, despite the provisions in the Criminal Procedure Code requiring persons to be charged or released within 48 hours, detentions for periods of up to six months, and in certain cases, up to two years, may be imposed for persons detained under the Protection of Society Law, which does not provide the right to have access to an attorney or one's relatives during this extended period. In addition, reported unequal treatment of non-citizens in the arrest and detention process raises concern in this regard.

The State party should ensure in law and practice that all persons detained or in custody have prompt access to a lawyer and to an independent doctor, as well as the means to notify a relative when detained, all important safeguards against torture and ill-treatment.

17. The National Human Rights Committee has begun to visit places of detention, which can be an important step in advancing protection of the obligations under the Convention in the State party. However, the Committee is concerned about the adequacy and frequency of such visits, whether complaints are investigated promptly and thoroughly, whether its members have access to all persons detained, and if it reports publicly on its findings. Further, inasmuch as a majority of the members of the National Human Rights Committee are high-level government officials, there are concerns that the National Human Rights Committee may not be fully independent.

Efforts should be made to ensure that the activities of the National Human Rights Committee are brought into full compliance with principles governing national human rights institutions (the Paris Principles), including with regard to its independence.

18. There are reports that no compensation is provided, in practice, to victims of acts of torture.

The State party should ensure that all persons who have been victims of acts of torture are provided with fair and adequate compensation, including the means for a full rehabilitation.

19. There is an absence in the State party report of data on individual complaints of torture or ill-treatment, and on the results of investigations or prosecutions related to the provisions of the Convention.

The State party should provide in its next periodic report detailed statistical data, disaggregated by crimes, nationality, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law-enforcement officials or

others, and on the related investigations, prosecutions and penal and disciplinary sanctions, as well as information on the compensation and rehabilitation provided to victims.

20. The Committee is concerned at violence against migrant workers and a lack of measures that protect such employees at risk, in particular, female domestic workers who allege that they have been subjected to sexual violence, and are confined and/or prevented from lodging complaints regarding the measures in the Convention.

The State party should take measures to prevent violence directed against migrant workers in the State party, most particularly the sexual violence affecting female domestic workers, by affording migrant workers the opportunity to lodge complaints against those responsible, and by ensuring that such cases are reviewed and adjudicated in a prompt and impartial manner.

21. There are reports of invasive and humiliating body searches, in contravention of the Convention, of individuals detained or deprived of their liberty.

The State party should take immediate measures to guarantee respect for the human rights of all persons during any body searches, and ensure that such searches are conducted in full compliance with international standards, including the Convention.

22. There is no specific law that protects women from domestic violence and, despite numerous cases reported in 2005, there were no public arrests or prosecutions in this regard.

Noting the 2003 National Action Plan to prevent domestic violence, the State party should introduce measures to prevent and punish violence against women, including fair standards of proof.

23. The Committee notes that many of its questions remained unanswered and reminds the State party of the Committee's request to receive further information in writing as quickly as possible.

24. The Committee requests that the State party provide in its next periodic report detailed statistical data, disaggregated by crime, age, gender, and nationality, on complaints relating to torture and ill-treatment and on any related investigations, prosecutions, penal and disciplinary sanctions. Additionally, information should be provided to the Committee on the results of any measures to monitor sexual violence in detention facilities as well as any efforts to facilitate the ability of persons to lodge complaints confidentially. The State party is further encouraged to provide the Committee with data regarding training, programmes and evaluations.

25. The Committee encourages the State party to consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

26. The State party should widely disseminate its report, the conclusions and recommendations of the Committee, and its summary records, through official websites, the media and non-governmental organizations.

27. The Committee also requests that the State party provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 12, 15, 16, 20 and 21 above.

28. The State party is invited to submit its next periodic report by 10 February 2008, the due date of the second periodic report.
