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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Qatar*

The present report is a summary of 5 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Al Karama for Human Rights (Al Karama) recommended that Qatar consider ratifying the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).² It also recommended that Qatar should withdraw the reservations to articles 21 and 22 of CAT.³

2. Amnesty International (AI) noted that the Government of Qatar has made women's rights one of the key issues in its political discourse over the past 12 years and that on 29 April 2009, Qatar acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, according to AI, Qatar entered wide-ranging reservations which appear to be incompatible with the object and purpose of the Convention, reflecting the reality that, in both domestic legislation and in practice, discrimination against women remains rife.⁴ AI called on the Government to lift its reservations to CEDAW or amend them in such a way that they are compatible with the object and purpose of the Convention.⁵

B. Constitutional and legislative framework

3. Al Karama reported that in 2003, Qatar adopted through a referendum a new Constitution which came into force on 9 June 2005 and which includes the creation of a Parliament of 45 members, of which two thirds are elected by universal suffrage and one third is appointed by the Emir. Al Karama added that this Parliament is intended to assist in policy development, but that it has yet to be established and the Emir continues to exercise the core powers.⁶ Al Karama recommended that Qatar implement policy reforms directed towards a genuine participation of citizens in the public life of the country; set up the Parliament according to the Constitution; and hold elections by universal suffrage to appoint the 2/3 of eligible members.⁷

4. AI mentioned that Qatar's Constitution prohibits discrimination and that article 35 states that "all persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion".⁸

5. Al Karama indicated that child trafficking is prohibited by Law No. 22 promulgated in 2005.⁹

C. Institutional and human rights infrastructure

6. Al Karama reported that a department for human rights was established in 2005 within the Ministry of the Interior.¹⁰

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of international human rights obligations

1. Equality and non discrimination

7. According to AI, domestic legislation discriminates against women; in particular, laws concerning marriage and divorce favour men. For example, women complain that when their husbands separate from them, they do not grant them a divorce, leaving them unable to re-marry and without entitlement to income from their ex-husband and therefore often financially

dependent on other relatives. In such situations, women may petition for divorce in court, but have no guarantee that the court will agree to grant them one, or they may find that the court will grant them a divorce only if they agree to pay a considerable amount of money or to give up custody of their children. AI said that by contrast, a man can obtain a divorce from his wife at any time and without payment and can also marry another woman, while separated from his wife.¹¹

8. AI noted that other legislative provisions restrict women's right to freedom of movement and discriminate against them in relation to nationality. It mentioned that women must obtain the written approval of their husband or guardian before applying for a passport and children of Qatari women who marry a foreign national do not qualify for Qatari citizenship, unlike children born to Qatari fathers and foreign mothers.¹²

9. AI called on the Government to ensure that national laws that discriminate against women and facilitate violence against them are amended or repealed, including family laws, laws and procedures relating to the authority of guardians over women, nationality laws and housing regulations.¹³

2. Right to life, liberty and security of the person

10. AI stated that executions are rare in Qatar, although death sentences continue to be imposed. It estimated that at least 20 people are currently under sentence of death and noted that the power to commute death sentences rests with the Emir. AI reported that among those under sentence of death are 17 individuals convicted of involvement in a failed coup attempt in 1996 following unfair trials. It added that the 17 men were among 20 political prisoners, including possible prisoners of conscience, who had originally been sentenced to life imprisonment in connection with the coup attempt, but whose sentences were increased to the death penalty by the Court of Appeal in May 2001. At the time of the trial, many of them claimed that "confessions" had been extracted from them under torture,¹⁴ according to AI, which called on the Government to commute all death sentences and declare a moratorium on executions in line with United Nations General Assembly resolution 62/149 adopted in December 2007 and United Nations General Assembly resolution 63/168 of December 2008.¹⁵ The Fundación Mundial Déjame Vivir En Paz (FMDVP) called for the elimination of the death penalty in Qatar.¹⁶

11. Al Karama reported that article 36 of the Constitution indicates that "no one shall be subjected to torture or degrading treatment". Torture is a crime punishable by law; however, the Penal Code of 2004 does not include a single provision to punish this crime. It stated that the Code of Criminal Procedure considers it unlawful to subject a person accused of a criminal offense to torture or ill-treatment and that according to article 232 of the same Code, "no value is given to a statement which is established to have been obtained under duress or threat".¹⁷

12. According to Al Karama, the Committee against Torture noted in its 2006 concluding remarks that "there is a lack of comprehensive definition of torture in domestic law necessary to meet the requirements of article 1 of CAT. 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." Al Karama indicated that the Committee against Torture recommended that such a definition "should ensure that all acts of torture are offences under criminal law and that appropriate penalties are established for those responsible for such acts".¹⁸ Al Karama recommended that Qatar should incorporate into domestic law the crime of torture as defined by article 1 of CAT and establish appropriate penalties of punishment.¹⁹

13. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment is lawful in the home and that children have limited protection from violence under the Criminal Code, the Code of Criminal Procedure and the Constitution. It added that a Ministerial Decree (1993) states that corporal punishment should not be used in schools, but there is no explicit prohibition in legislation.²⁰

14. GIEACPC noted that in the penal system, corporal punishment is lawful as a sentence for crime and that under the Juveniles Act, flogging is prohibited for juveniles aged 15 years (article 19) but young persons aged 16 and 17 years are treated as adults and can be sentenced to flogging, stoning and amputation under the Criminal Code. It indicated that corporal punishment is also lawful as a disciplinary measure in penal institutions, where the Prisons Act allows for flogging of prisoners (up to 20 lashes of the whip) and that there is no explicit prohibition of corporal punishment in alternative care settings.²¹

15. GIEACPC stated that following examination of Qatar's initial report in 2001, the Committee on the Rights of the Child recommended prohibition of flogging and other cruel, inhuman or degrading punishment of children in conflict with the law and also recommended prohibition of corporal punishment in the family and in institutions, and that measures be taken to effectively address corporal punishment in schools. GIEACPC reported that in 2006, in its concluding observations on Qatar's initial report, the Committee against Torture recommended abolition of flogging and stoning under the Criminal Code.²²

16. GIEACPC hoped that the UPR will highlight the importance of prohibition of corporal punishment of children, and strongly recommended that the Government introduce legislation as a matter of urgency, to prohibit all corporal punishment of children in the home, schools, penal institutions and alternative care settings, and as a sentence of the courts.²³

17. AI indicated that violence against women, including rape, other forms of sexual abuse and beatings, is widespread, in particular against female domestic workers, the vast majority of whom are foreign nationals. It considered that the authorities are often reluctant to treat violence against women as a criminal offence although it constitutes an assault under domestic law and that this reluctance by the police to address the issue of violence against women through the law, tends to deter women from reporting violence within the home and locks women into a vicious circle of violence and discrimination. AI mentioned that female domestic workers are particularly at risk because, as a result of their employment conditions, they are generally unable to leave the home in which they live and work and are therefore especially vulnerable to rape and other sexual abuse by their male employers.²⁴

18. AI called on the Government to reinforce measures to prevent violence against women, including violence within the family and against foreign domestic workers, and to bring to justice those responsible for such crimes.²⁵

19. Al Karama reported that the Code of Criminal Procedure indicates that persons detained should be charged or released within forty-eight hours and that however, detention without charge may be extended by the Attorney General for 16 days before the person is presented before a judge.²⁶

20. AI mentioned that arbitrary arrest and detention without charge or trial appears to be common practice in Qatar, in particular in relation to political opponents and those suspected of being involved in terrorism. It indicated that in recent years, it has received reports of dozens of people, including foreign nationals, being detained by State Security forces without charge or

trial for prolonged periods of time in the context of measures to “combat terrorism” and “strengthen national security”. AI indicated that in many cases, they had no access to a lawyer and their families were not informed for weeks where their relatives were being held.²⁷

21. For AI, many of those detained in this way appear to be held under the Counter-Terrorism Law (Law No. 3 of 2004) and the Law on the Protection of Society (Law No. 17 of 2002). Both laws contain vaguely worded definitions of crimes and authorize the authorities to detain people without charge or trial for up to six months under successive, renewable 15-day detention orders. Under these laws, detainees are often held first in incommunicado detention and then in prolonged arbitrary detention without charge or trial. AI noted that it was not aware of the exact number of those detained under these laws, but has evidence that in 2005 at least 18 men were detained.²⁸

22. Al Karama indicated that the national laws of criminal procedure guarantee a legal framework for prosecution and determine the limits of detention under custody, as well as the right of a prosecutor general to visit and monitor places of detention in their jurisdiction. It noted that, however, those arrested under emergency laws, in particular under the Law on the Protection of Society, do not enjoy the protection under the provisions of the Code of Criminal Procedure. Al Karama added that they are usually arrested and interrogated by intelligence services and that they are detained indefinitely in the State Security headquarters which are not under the authority of the Ministry of Justice, nor are they intended as detention centers which are subject to control measures and monitoring by the Prosecutor General, as indicated in section 395 of the Code of Criminal Procedure. According to Al Karama, persons detained in these conditions have no possibility to challenge their detention, through judicial or other means.²⁹

23. Al Karama reported that, in recent years, it has submitted to the Working Group on Arbitrary Detention cases of people arrested and detained incommunicado for periods of several months without being brought before a judge or being subjected to any legal procedure. It added that the National Human Rights Committee found that during 2007, three people were arrested on the basis of the Law on the Protection of Society and that their status remained unknown. It noted that the National Human Rights Committee asked the authorities that all prisoners, on the basis of this law, be released or brought to justice.³⁰

24. According to Al Karama, thirty people were arrested between 1995 and 2000 as part of the investigation into the attempted coup organized by the father of the current Emir. Since then, the deposed emir, after an exile of several years in Europe, was allowed to return to Qatar where he now lives. The two main authors of the failed attempt who had been sentenced to death were pardoned and released in 2005, but 28 other people, who played a secondary role in this event, remain in detention.³¹ Al Karama recommended that Qatar, based on the principle of the equality of citizens in rights and duties, extend the right of pardon to all persons convicted in May 2001 following the attempted coup.³²

25. AI called on the Government to bring legislation related to arrest and detention procedures, including the Counter-Terrorism Law and the Law on the Protection of Society, into line with international human rights standards, so that to protect detainees against arbitrary arrest and detention; limit the period during which detained persons may be held without charge; impose strict limits on the use of incommunicado detention, including by requiring the detaining authorities to inform detainees’ families of their arrest within a short, prescribed period of time, and to allow detainees prompt access to their families, legal representatives and independent medical practitioners.³³

3. Administration of justice and the rule of law

26. Al Karama reported that according to article 130 of the Qatari Constitution: “The Judiciary is independent and is exercised in different courts which render judgments according to the law” and that according to article 131 of the Constitution: “Judges are independent and are subject, in their decision-making, to no other authority than that of the law”. However, it noted that part of the judiciary staff is composed of non-nationals under contracts, which may at any time be revoked for reason of their residence status. For Al Karama, this precarious situation does not allow them to exercise their functions in an independent manner, which can be considered as a limit to the principle of security of tenure of judges.³⁴ It recommended that Qatar enact the principle of immovability of judges by extending it to all judges in the country, including foreign judges on contract, to ensure real independence of the judiciary.³⁵

27. Al Karama informed that a code governing nationality was promulgated in 2005 (Law No. 38 of 2005) and that in this Act, the Emir is given sweeping powers to granting, revoke or reinstate Qatari nationality. It stated that article 11 authorizes the Emir, in particular, to deprive any citizen of his or her nationality in certain cases, especially where a citizen joins foreign forces or institutions or organizations that undermine the social, economic or political organization of the country.³⁶

28. Al Karama indicated that naturalized individuals enjoy even less protection as their Qatari nationality can be withdrawn at any time based on a proposal by the Minister of Interior where he deems this measure compatible with the general interest (article 12 in fine). It stated that the inequality between native Qatari citizens and naturalized citizens is established in the law, since the latter do not enjoy the same rights, as the former and irrespective of the length of their naturalization, they can be neither voters nor candidates for elections.³⁷

29. According to AI, deprivation of nationality has been used by the Government against a number of individuals and tribes to target political opponents. Loss of nationality carries serious consequences, not only for the person concerned, but also for his or her family. In addition to the loss of civil rights, economic and social rights may be undermined, such as access to health services, education, housing, social security and work, and the right to reside in the country.³⁸

30. AI reported that as many as 6,000 members of the Al-Ghufran branch of the Al-Murra tribe were deprived of Qatari nationality between October 2004 and June 2005 on the ground, believed to be spurious, that they were nationals of other countries. AI indicated that some were reportedly forced to leave Qatar to seek resettlement in neighbouring countries, or were arrested and detained to induce them to do so. It added that they may have been arbitrarily deprived of their nationality because the Qatari Government associated their tribe with the failed coup attempt in 1996.³⁹ Similar information was provided by Al Karama.⁴⁰

31. AI indicated that the reasons for withdrawing Qatari nationality were not made clear to those affected and they were not able to contest the decision in court. It mentioned that some who were living abroad have not been allowed to return to Qatar while those who remained in the country have been denied job opportunities, social security and the rights to health care and education for their children. AI noted that some 4,000 of those affected are believed to have had their Qatari nationality subsequently reinstated and that however, in the majority of the cases, their birth place had been altered to state that they were born in a neighbouring country and therefore did not have the right to vote in elections in Qatar.⁴¹ Similar information was provided by Al Karama.⁴²

32. AI called on the Government to end the discriminatory use of deprivation of Qatari nationality as a means of penalizing suspected political opponents of the Government and to ensure that any decision to deprive a person of his or her nationality conforms to principles of due process, including by ensuring that those affected are fully informed of the reasons for the deprivation of their nationality and able to contest the decision in an independent court of law.⁴³ Al Karama recommended that Qatar take steps to fight against situations of statelessness under the 1961 Statelessness Convention.⁴⁴

4. Right to privacy, marriage and family life

33. Joint Submission (JS) indicated that along with the Civil and Penal Codes, Sharia law is in force in Qatar, although only applicable to Muslims and that the offence of Zina makes any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punishable by flogging.⁴⁵

34. JS also indicated that Qatar maintains criminal sanctions against sexual activity between consenting adults⁴⁶ and recommended that the Human Rights Council urge Qatar to impose a moratorium on the death penalty and repeal all provisions which criminalize sexual activity between consenting adults.⁴⁷ FMDVP indicated that it is important to stop discrimination based on sexual orientation in Qatar.⁴⁸

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

35. Al Karama mentioned that despite the guarantee of the freedoms of association, religion and the independence of the judiciary, political parties remain banned.⁴⁹ AI indicated that press freedom and freedom of expression are strictly controlled in Qatar, in addition to which the press often exercises self-censorship. It stated that the right to freedom of expression is further threatened by the accession of the Government in May 2008 to the 2004 Gulf Cooperation Council Convention for the Suppression of Terrorism, the provisions of which risk criminalizing legitimate activities.⁵⁰ AI called on the Government to lift the severe restrictions on the rights to freedom of expression and association immediately.⁵¹

6. Migrants, refugees and asylum-seekers

36. Al Karama mentioned that 80% of Qatar's economy is based on oil revenues, a sector which depends in large part on a foreign labour force which constitutes nearly 75% of the total population, estimated at 1.6 million inhabitants. It noted that most workers are from the Indian subcontinent and Arab countries and that they are not sufficiently protected by the law and face discrimination. This applies to domestic workers in particular.⁵²

37. AI reported that foreign migrant workers are often subjected to exploitation by their employers. It said that they are generally employed under exploitative contracts which give their employers extensive powers over them and that the contracts often stipulate that they are unable to move jobs or leave the country without obtaining the permission of their employer. AI added that employers often confiscate the passports of migrant workers or arbitrarily withhold payment of wages.⁵³ Al Karama made similar comments and added that these workers live in deplorable housing conditions and do not enjoy adequate social security coverage.⁵⁴ According to AI, migrant workers are not adequately protected by Qatari law and are generally unable to access the justice system to challenge the decisions of their employers or to seek redress, because they

are trapped at home and because of the prohibitive costs of going to court and language barriers.⁵⁵

38. Al Karama mentioned that migrant workers cannot organize themselves into unions and that when riots break out, protesters are evicted.⁵⁶ AI noted that in 2007, some 20,000 migrant workers were reported to have run away from their employers because they were not paid their salaries or because of their harsh living conditions. Such conditions reportedly contributed to several fires in workers' accommodation in different parts of the country in 2008.⁵⁷ AI called on the Government to promote and protect the economic, social and cultural rights of migrant workers, including their right to an adequate standard of living; and to ensure that laws, policies and practices fully conform with international human rights standards to guarantee the protection of the human rights of migrant workers, including their right to freedom of movement and physical integrity.⁵⁸

7. Human rights and counter-terrorism

39. Al Karama indicated that despite the fact that Qatar had not experienced any terrorist attacks prior to 2005, in 2002, it enacted the Law on the Protection of Society (Law No. 17 of 2002), and later acceded to the 2004 Gulf Cooperation Council Convention for the Suppression of Terrorism and adopted a national anti-terrorism law. It added that after the terrorist attack of 19 March 2005, the State ratified nine of the 12 international legal instruments against terrorism.⁵⁹ Al Karama added that both the 2004 Gulf Cooperation Council Convention for the Suppression of Terrorism and the national legislation against terrorism define terrorism in very broad and vague terms which allow the restricting, prohibiting or punishing of the legitimate rights to freedom of expression, association and assembly.⁶⁰ AI provided similar information.⁶¹

40. Al Karama reported that the Law on the Protection of Society indicates in article 1 that "the Interior Minister, in crimes related to State security, indecent assaults or public morality, may decide to detain a suspect if there are strong presumptions against him, based on a report submitted by the Director General of General Security". Article 2 indicates that "the period of detention is two weeks extendable one or several times, yet without exceeding a total period of 6 months and with the consent of the President of the Council of Ministers. The duration of detention may be doubled in cases of crime related to State security".⁶² Al Karama recommended that Qatar repeal the emergency legislation and in particular the Law on the Protection of Society.⁶³ According to Al Karama, the Counter-Terrorism Law confirms these provisions. No appeal before a court is possible when decisions are taken under these two laws, which effectively legalise arbitrary and incommunicado detention and open the door to a wide range of abuses. The suspects are not under the control of the law; they are at the mercy of their jailors. Those detained under the emergency laws cannot challenge their detention and are without access to legal counsel. For Al Karama, even if these laws are often not put into application, the fact that they exist means that they can be enforced.⁶⁴

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

41. Al Karama stated that the Qatari Government has taken various steps in order to promote respect for human rights, including through ratification of certain international human rights treaties and in 2002, the creation of a National Human Rights Committee.⁶⁵

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

AI	Amnesty International*, London, United Kingdom.
Al Karama	Al Karama for Human Rights, Geneva, Switzerland.
FMDVP	Fundacion Mundial Dejame Vivir en Paz, Costa Rica.
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom.
Joint Submission	
ILGA; ILGA-Europe*	International Gay and Lesbian Human Rights Commission; ARC International, Geneva, Switzerland.

² Al Karama, p. 6.

³ Al Karama, p. 6.

⁴ AI, p. 3.

⁵ AI, p. 5.

⁶ Al Karama, p. 2.

⁷ Al Karama, p. 6.

⁸ AI, p. 3.

⁹ Al Karama, p. 3.

¹⁰ Al Karama, p. 3.

¹¹ AI, p. 3.

¹² AI, p. 4.

¹³ AI, p. 5.

¹⁴ AI, p. 3.

¹⁵ AI, p. 5.

¹⁶ FDMVP, p. 3.

¹⁷ Al Karama, p. 3.

¹⁸ Al Karama, pp. 3-4.

¹⁹ Al Karama, p. 6.

²⁰ GIEACPC, p. 2.

²¹ GIEACPC, p. 2.

²² GIEACPC, p. 2.

²³ GIEACPC, p. 1.

²⁴ AI, p. 4.

²⁵ AI, p. 5.

²⁶ Al Karama, p. 3.

²⁷ AI, p. 4.

²⁸ AI, p. 4.

²⁹ Al Karama, pp. 4-5.

³⁰ Al Karama, p. 5.

³¹ Al Karama, p. 5.

³² Al Karama, p. 6.

- ³³ AI, p. 6.
- ³⁴ Al Karama, p. 3.
- ³⁵ Al Karama, p. 6.
- ³⁶ Al Karama, p. 5.
- ³⁷ Al Karama, p. 5.
- ³⁸ AI, p. 4.
- ³⁹ AI, p. 4.
- ⁴⁰ Al Karama, p. 5.
- ⁴¹ AI, p. 4.
- ⁴² Al Karama, p. 5.
- ⁴³ AI, p. 6.
- ⁴⁴ Al Karama, p. 6.
- ⁴⁵ Joint Submission, p. 1.
- ⁴⁶ Joint Submission, p. 1.
- ⁴⁷ Joint Submission, p. 2.
- ⁴⁸ FMDVP, p. 3.
- ⁴⁹ Al Karama, p. 2.
- ⁵⁰ AI, p. 3.
- ⁵¹ AI, p. 5.
- ⁵² Al Karama, p. 2.
- ⁵³ AI, p. 4.
- ⁵⁴ Al Karama, p. 6.
- ⁵⁵ AI, p. 4.
- ⁵⁶ Al Karama, p. 6.
- ⁵⁷ AI, p. 4.
- ⁵⁸ AI, p. 5.
- ⁵⁹ Al Karama, p. 2.
- ⁶⁰ Al Karama, p. 3.
- ⁶¹ AI, p. 4.
- ⁶² Al Karama, p. 3.
- ⁶³ Al Karama, p. 6.
- ⁶⁴ Al Karama, p. 3.
- ⁶⁵ Al Karama, p. 3.
