



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

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Summary record of the 1107th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 6 November 2012, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of Qatar (continued) (CAT/C/QAT/2; CAT/C/QAT/2/Corr.1; CAT/C/QAT/2/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Qatar took places at the Committee table.*
2. **Ms. Al-Obaidly** (Qatar), referring to domestic legislation and the Qatar Foundation for the Protection of Women and Children, said that the Criminal Code criminalized violence, including domestic violence, although no separate legislative provisions covered that particular offence. The Code provided for capital punishment or life imprisonment for sexual assault or rape. Women did not need a guardian's permission to report abuse.
3. The Foundation was engaged in efforts to combat violence and strengthen human rights. Measures to that end included comprehensive care and support for victims, including safe houses and a helpline. The Foundation's strategy was based on the principles of prevention, protection and participation. Prevention measures included reviewing legislation, awareness-raising, monitoring and training. Protection included providing legal assistance, health care and support to victims. Participation entailed cooperation with NGOs, civil society, various institutions, the private sector and religious organizations.
4. **Ms. Al-Malky** (Qatar) said that her Government had launched a strategy to combat human trafficking, the first of its kind in the region, combining a legislative and institutional approach to the problem. Recent legislation in that field included provisions to prohibit the use of child jockeys and specific legislation on human trafficking, including measures to protect and support victims. The Qatar Foundation for Combating Human Trafficking provided training to judges and officials, and engaged in capacity-building and awareness-raising. Support provided to victims included shelters, legal services, advice on filing complaints, language support services, medical care and a hotline. Steps were also being taken to ensure access to compensation. The Foundation also coordinated its activities with the Ministry of the Interior in connection with the voluntary return of persons to their countries of origin.
5. Cooperation efforts involved foreign Governments and embassies, and a range of regional partnerships. They included work with the League of Arab States as a global approach was required to tackle the problem of human trafficking.
6. **Mr. Al-Obaidly** (Qatar) said that the Ministry of Labour was involved in a range of activities to combat trafficking and protect the rights of migrant workers, and a Department of Labour Relations had been established for that purpose. Workers' complaints were examined promptly. The rights of migrant workers were protected by constitutional guarantees and the provisions of the Labour Code, and there was legislation in place on medical assistance, labour inspections, housing, occupational illness, workplace conditions and outdoor work. Efforts had also been made to improve existing legal provisions and facilitate the follow-up of complaints.
7. Legislation had recently been passed on the *kefala* (sponsorship) system, and the transfer of sponsorship in particular, as authorized by the Ministry of the Interior. Under Qatari legislation, employers were not permitted to confiscate workers' passports. The Ministry of Labour had an office which had opened in 2012 and provided guidance on lodging complaints, language services, and information on legal fees and the Labour Code. If a migrant worker whose case was still pending left the country, it was possible to follow

up the case through consular officials. More than 100 companies had been taken to court for failure to comply with the provisions of the Labour Code.

8. A bill relating to domestic workers was currently under review in order to ensure compliance with international labour standards and international instruments ratified by Qatar.

9. The Ministry of Labour approved domestic labour contracts, even though domestic workers in particular were not covered by the Labour Code. It also monitored the work of agencies recruiting domestic workers.

10. **Mr. Al-Khulaifi** (Qatar) said that, on the basis of the provisions of the Istanbul Protocol, the Supreme Health Council provided information and guidelines for medical and social services personnel on reporting suspected torture or ill-treatment, which they had an obligation to do. The Hamad Medical Foundation worked to ensure basic health coverage, and a charter had been drawn up on the rights of patients and their families. There was cooperation at all levels, and a range of policies and strategies had been implemented to identify cases of suspected torture or ill-treatment and provide support to victims. The Ministry of the Interior also provided an emergency support service in Doha hospital.

11. In cooperation with the relevant State entities, the Hamad Medical Foundation had organized several seminars and workshops to raise awareness among health-care professionals about the provisions of the Convention, human trafficking, and violence against women and children. Specialist staff worked with medical personnel to ensure that suspected cases of torture were identified. Between 2007 and 2012, over 1,000 cases of violence against women and children had been identified and reported.

12. The national mental health-care programme had been introduced in 2011 and aimed, inter alia, to reduce the incidence of serious mental health problems, strengthen support structures for mental health patients and combat the negative stereotypes relating to people with those problems. Under the patients' charter, health care and emergency services were available to all persons, regardless of their religion, ethnicity, origin, language, age or disability. Interpretation services were available in hospitals. The rights of persons with disabilities, including their right to sexual and reproductive health care, were guaranteed under the Constitution. The Supreme Health Council and its partners placed particular emphasis on medical confidentiality when dealing with patients with disabilities, whether citizens or foreign nationals. All staff working at the Shafallah Centre for Children with Special Needs undertook to respect the privacy of children attending the Centre. Wheelchairs, prosthetic limbs and rehabilitation were available to all patients who required them, as was a programme for social reintegration. Preventive health care was available to all residents of Qatar.

13. **Mr. Garhab** (Qatar) said that the definition of torture contained in article 1 of the Convention had been incorporated into domestic legislation. The Government had withdrawn its reservation to the Convention concerning the competence of the Committee as indicated in articles 21 and 22. It had also withdrawn its general reservation on any interpretation of the provisions of the Convention that was incompatible with the precepts of Islamic law and the Islamic religion and had replaced it with a more specific reservation. In accordance with the Constitution, domestic courts could directly invoke the provisions of the Convention.

14. The independence of judges was guaranteed by the law and a series of safeguards that had been introduced in that regard. All judges were selected and appointed by the Supreme Council of the Judiciary in accordance with internationally recognized norms, and the Amir approved those appointments. The retirement age for judges was 70; but they could take early retirement from the age of 60. The Legal and Judicial Studies Centre

provided ongoing training for judges, the staff of the Office of the Public Prosecutor and all other judicial staff.

15. **Mr. Al Mohannadi** (Qatar) said that under legislation introduced in 2009, all prisons and other places of detention were obliged to record the names of detainees, the dates on which they had been arrested, transferred or released, the place of detention, the full names of the officials who had issued the arrest warrant and those who had made the arrest, the health of detainees on arrival and any changes in their health.

16. Filipina workers had lodged a number of complaints of sexual abuse. Those cases had been tried in courts of law and the defendants had been convicted and sentenced.

17. As indicated in the written replies to the list of issues (p. 13), Mohamed Farouk al-Mahdi had been legally detained for 7 months and had enjoyed visits by his lawyer and family members in accordance with the applicable legal procedures. He had refunded the sums he had obtained through fraudulent means, after which the case had been considered closed.

18. **Mr. Al-Sulaiti** (Qatar) said that under article 395 of the Code of Criminal Procedure, members of the Public Prosecutor's Office had the right to visit prisons in their area of jurisdiction in order to check that no persons were being detained illegally. They could inspect and make copies of registers and arrest and detention warrants, speak to prisoners and listen to any complaints they might have. Prison staff were obliged to assist members of the Public Prosecutor's Office in obtaining the information they required. Prisoners could place written complaints in sealed boxes in prisons, which were then opened by staff from that Office. Article 396 of the Code of Criminal Procedure provided that all prisoners could submit written or oral complaints to the governor at any time and request that they be forwarded to the Public Prosecutor's Office. Anyone who found that a person was being detained illegally or in a place not designated for detention was obliged to report the matter to an official from that Office. As soon as such a report was filed, it was the official's duty to go to the place where the detainee was being held, investigate the matter, order the detainee's release and submit a report on the incident. There were no unofficial or secret places of detention.

19. **Mr. Al Mohannadi** (Qatar) said that the Human Rights Department in the Ministry of the Interior had established guidelines on prisoners' rights and their treatment, and had published a handbook on the issue which was in line with international standards. The Department conducted unannounced visits to places of detention.

20. Under article 37 of the Criminal Code, the Minister of the Interior could issue a deportation order for any migrant worker whose presence in Qatar posed a threat to the internal or external security of the State or to the national economy, public health or public morals. The person being deported could specify where he or she wished to be sent.

21. **Ms. Gaer** (Country Rapporteur) asked how many of the calls received by the helpline of the Qatar Foundation for the Protection of Women and Children had resulted in referrals to prosecutors and how many had led to disciplinary, administrative or criminal action. It would also be useful to know how many of the calls received by the anti-trafficking hotline came from migrant workers and how many of them reported abuse by their employers. The Committee would welcome any information on the responses to such calls.

22. She asked how many of the 34 cases of trafficking on which lawyers had worked had involved domestic workers complaining of violence by their employers. In that connection, she wished to know how many legal aid lawyers there were in the State party, how many challenges they had addressed on lawfulness of detention and whether any disciplinary measures had been taken as a result of such cases. She enquired whether any of

the eight people who had received compensation through the Qatari Foundation for Combating Human Trafficking had been found to be victims of torture or ill-treatment.

23. She asked how many employers had been found guilty of confiscating employees' passports or involvement in torture or ill-treatment. It would be useful to know whether anyone had been imprisoned in relation to the closure of companies under the new labour legislation. She asked whether any of the 507 trials that had been monitored by the Ministry of Labour had involved abuse of migrant workers and whether any of the cases had resulted in prosecutions for torture or ill-treatment.

24. It would be useful to hear the State party's reaction to the decision of the United Nations Working Group on Arbitrary Detention that Mohamed Farouk al-Mahdi had been arbitrarily detained and to know whether he had received any compensation. She would appreciate receiving any available statistical data on flogging, particularly in the light of Amnesty International and media reports that flogging was still used as a form of punishment. She would welcome an update on the incommunicado detention of the poet Mohammed al-Ajami, also known as Mohammed Ibn al-Dheeb.

25. The Committee had not received a response to its question on the list of issues concerning Fawaz al-Attayah, a former spokesperson for the Qatari Ministry of Foreign Affairs, whose detention had been the subject of an urgent appeal by the Special Rapporteur on torture. Fawaz al-Attayah had complained of ill-treatment at the State security headquarters, where he said he had been denied proper access to legal counsel and family members, had been abused while in detention and had received death threats from a member of the Public Prosecutor's Office. The Committee would appreciate details of any investigations into those specific allegations and any disciplinary action or punishments that had ensued.

26. She wished to know how many violations of the Public Safety Law had been recorded by the National Human Rights Committee. She would welcome information on cases in which detention under that law had been monitored. Did the Government plan to provide the National Human Rights Committee with additional staff and financial resources to enable it to monitor detention more effectively? It would be useful to know whether the State party planned to change the composition of the Committee and, in particular, to remove the non-voting members who were also employees of Government departments. It was debatable whether the participation of the Government members in monitoring visits to places of detention was a help or a hindrance.

27. **Ms. Belmir** (Country Rapporteur) asked what role the State, and particularly the judicial authorities, played in the fight against human trafficking. It was unclear whether the Qatar Foundation for Combating Human Trafficking now had sole responsibility or whether its mandate was to combat trafficking in cooperation with other entities. Given that the majority of judges were foreigners, she wished to know how the State party guaranteed their independence and what recourse was available to them if they came under undue pressure.

28. She asked whether individuals expelled for moral offences were also flogged and whether floggings were conducted under the authority of the judiciary. She reiterated the question raised with regard to diplomatic assurances, and also the question raised concerning juvenile delinquency: would the State party be raising the minimum age of criminal responsibility to 15 in view of its obligations under the Convention on the Rights of the Child?

29. Although the State party had indicated that the role of the police was limited to investigation and detention, some cases involving police interrogations had been mentioned. Were interrogations videotaped and, if not, would the State party be willing to adopt that method for the purpose of verification?

30. The Committee appreciated the State party's reply on detention conditions and encouraged it to improve conditions in all places of detention.
31. Although the State party had indicated that its domestic legislation established certain guarantees for persons held incommunicado, that form of detention in itself violated the guarantees of detainees.
32. The Committee urged the State party to ratify the Optional Protocol to the Convention against Torture.
33. **Mr. Bruni** asked whether the delegation could provide examples of judicial proceedings in which the Convention had been invoked, in addition to examples of cases in which the strong legal measures in place prohibiting law enforcement officials and military personnel from invoking a superior order as justification for torture or ill-treatment were applied. He requested further information about the offences for which isolation cells were used, cell size, detention periods and how the National Human Rights Committee monitored detainees held in such cells.
34. He encouraged the State party to ratify the Optional Protocol, in line with the recommendations of its own National Human Rights Committee.
35. Lastly, he sought clarification of the date on which the State party had withdrawn its reservations to articles 21 and 22 of the Convention, as the reservations appeared to remain in force.
36. **Mr. Gaye** said that the question raised in connection with universal jurisdiction and extradition was of great importance under article 5 of the Convention; however, it remained to be addressed by the State party.
37. He asked the delegation to clarify how many of the 609 complaints and petitions from detainees mentioned in paragraph 88 of the periodic report referred to claims and how many referred to petitions. In addition, he requested further information on the solutions reached in the cases that had been resolved.
38. In connection with the independence of the judiciary and statutory professional guarantees for judges, he wished to know the grounds on which judges could be dismissed.
39. **Mr. Mariño Menéndez** reiterated the point raised by Mr. Gaye, asking the State party to indicate its position with regard to the exercise of universal jurisdiction in the case of non-Qatari alleged perpetrators of torture present in Qatar.
40. He asked for clarification on the scope of the Counter-Terrorism Act and the rights of interrogators under that Act, as he had not found clear wording on interrogations or the prohibition of suspicious practices in connection with detainees imprisoned under the Act.
41. Lastly, he raised a number of questions about the status of the some 1,200 stateless persons in the State party. Could mothers transmit Qatari nationality to their children? Were children born out of wedlock in Qatar entered in the civil registry? Had administrative decisions been taken to withdraw Qatari nationality from individuals or groups? Did stateless persons enjoy civil rights? Did they have residence rights? And were they better or worse protected from expulsion than other persons?
42. **Ms. Sveaass** said she was pleased to hear about the important reforms introduced by the State party in connection with the health system and measures for the benefit of persons with disabilities. With reference the case of Ms. Al-Obeidi, a Libyan national who had been subjected to refoulement, she asked the reasons for her return and whether her case had been investigated. In addition, she wished to know how many people were detained under the Counter-Terrorism Act and what monitoring mechanisms were in place to visit persons detained under that Act.

43. She requested further information on how the recommendations and input of the National Human Rights Committee were followed up and whether they had resulted in any major changes or reforms.
44. In connection with the sponsorship system, she asked whether the State party could cite any cases involving ill-treatment or torture in which an employee had been transferred to work for another employer.
45. **The Chairperson** said that although the legal structure appeared to be reasonably complete, there was a notable lack of any recorded infringement of rights during the reporting period, which indicated a possible problem with the system.
46. He wished to know whether the State party intended to reform the role of the Public Prosecutor's Office in view of the apparent conflict of interest inherent in its multiple functions, which included monitoring the rights of detainees and prosecuting them, in addition to supervising judicial officials and being responsible for bringing disciplinary action against them.
47. He asked whether there had been any cases in which detention without charge had been extended for 16 days under the national counter-terrorism legislation.
48. Did the State party intend to make domestic violence a specific crime? If it did not, the Committee wished to know why not. In that connection, he asked whether the female judge appointed in 2010 remained the only female judge in the national legal system, as greater gender diversity in the judiciary could have an impact on decision-making in that area.
49. The discrepancy between the State party's evaluation of the situation of domestic workers and that indicated by the numerous communications submitted to the Philippines Overseas Labour Office in Doha was striking. Was there follow-up in those cases?
50. Lastly, he wished to know whether any public officials had ever been punished under article 159 of the Criminal Code on the extraction of confessions by force.
51. **Mr. Al-Sulaiti** (Qatar) said that the principle of extraterritoriality was provided for in Qatar's Criminal Code; cases involving an act of torture committed outside Qatar by a Qatari national were tried under article 18 of the Code when the person concerned returned. In accordance with the principle of territoriality, cases involving an act of torture committed, in whole or in part, by a Qatari national or a non-national resident in Qatar were considered under article 13 of the Code. Article 16 applied to national or non-national residents who perpetrated or participated in crimes such as trafficking in persons, drug use or international terrorism while in Qatar; article 7 of the Criminal Code embodied the principle of dual criminality and applied to crimes committed in whole or in part in Qatar.
52. With regard to interrogation and methods of detention, article 35 of the Constitution provided for equality before the law, while article 36 guaranteed personal freedom. Under article 43 of the Code of Criminal Procedure, a person who had been arrested must be heard immediately after arrest by a judicial police officer and questioning must take place within 24 hours, after which the detainee must be released or kept in provisional detention. The Code of Criminal Procedure provided for an initial 4 days of provisional detention, with the possibility of extension for a further 4 days. Further detention for up to a maximum of 6 months was then possible only by decision of a court judge, who must have examined all the evidence and heard both the prosecutor and the detainee.
53. The prosecution service used all technical means to ensure that interrogations were documented, including the use of videotapes in important cases. In cases where an accused person had admitted to an offence, a videotaped re-enactment was made at the scene of the crime and submitted as evidence. The Public Prosecutor's Office was studying the use of

videotapes in the documentation of investigations and interrogations so that it could be implemented in accordance with the law.

54. With reference to the cases of Mr. Al-Mahdi and Mr. Al-Ajmi, the prosecutor could forbid an accused person from having contact with other detainees under article 106 of the Code of Criminal Procedure and could prohibit visits; however, the person concerned retained the right to consult his legal counsel without others being present, in accordance with the law. That provision was used in a limited number of cases where there was concern that evidence might be lost or witnesses influenced or where it was necessary to protect the accused person's life, particularly in cases involving murder. Prisoners could be held incommunicado under articles 50, 51, 53 and 54 of the Prisons Regulatory Act as a disciplinary measure for a maximum period of 7 days. It should be noted that Mr. Al-Mahdi was the subject of purely legal procedures and that Mr. Al-Ajmi's case remained before the courts.

55. **Mr. Al Mohammadi** (Qatar) said that the police did not conduct investigations but did question accused persons and report in accordance with the Code of Criminal Procedure. The Public Prosecutor's Office conducted investigations into suspected terrorist offences.

56. Communications forwarded by the Philippines Overseas Labour Office had been sent to the competent authorities and decisions had been handed down in those cases.

57. Qatari law regulated the issue of expulsion, which could be on legal or administrative grounds. Under Qatari law, individuals working in Qatar could be expelled only if they had committed acts prejudicial to the domestic or foreign interests of the State, its economic interests or public morals.

58. **Mr. Garhab** (Qatar) said that the Amir had signed the withdrawal of treaty reservations on 24 January 2012. The signed document had been duly transmitted to the Secretary-General of the United Nations.

59. The Supreme Judicial Council negotiated the terms of individual contracts directly with non-Qatari judges; sending States imposed a maximum secondment of four years. Article 2 of the regulations of the Supreme Judicial Council provided for the independence of judges.

60. **Mr. Al-Obaidly** (Qatar) said that the delegation would provide the Committee with detailed statistics on the number of complaints and petitions, and on verdicts in favour of employees.

61. With regard to the transfer of sponsorship, there had been 105 cases in which sponsorship had been transferred from one employer to another in 2010; in 2011, there had been 123 such transfers. In 2012, the number of transfers to date was 235.

62. **Ms. Al-Obaidly** (Qatar) said that the communications received by the Foundation for the Protection of Women and Children were studied and handled in accordance with the needs of the case. Seventy-two cases had been referred to the Public Prosecutor's Office and duly transferred to the courts. Legal counsel had been appointed in 48 cases. The Foundation did not merely refer cases to the Public Prosecutor's Office but followed up cases until an appropriate remedy was found.

63. Under Qatari law any action that could be described as violent was classified as an offence. Although domestic violence was not specified as such, articles 279, 280 and 281 of the Criminal Code clearly provided that any aggression against any person within or outside the family constituted an offence.

64. **Mr. Al Mohammadi** (Qatar) said that the principle of obedience to military orders was based on legality. A subordinate must be sure that any order he received was legal and

issued in good faith; individuals must assume criminal responsibility in cases of error or overreaction.

65. Incommunicado detention, regulated by Act No. 3 of 2009, formed part of a graduated system of discipline that allowed prison governors to impose a series of disciplinary measures, starting with withholding privileges and ending with incommunicado detention for a stipulated period.

66. **Mr. Jabr Al Thani** (Qatar) said that his Government welcomed the opportunity to participate in constructive dialogue with the Committee. It considered torture to be illegal under any circumstances. The national legislation clearly criminalized all forms of torture and inhuman treatment, in accordance with the definition contained in article 1 of the Convention, and prescribed appropriate penalties. A system whereby victims could obtain redress, access to medical treatment and compensation for damage had been established, in addition to permanent mechanisms for their rehabilitation. Qatar continued to develop its legislative and judicial organs in order to prevent acts of torture or cruel or inhuman treatment. The recommendations of the Committee following consideration of the initial periodic report had led to improvements in the national legislation.

The meeting rose at 6 p.m.