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## **Committee against Torture**

### **List of issues prior to submission of the fourth periodic report of Qatar\***

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

##### **Issues identified for follow-up in the previous concluding observations**

1. In its previous concluding observations (CAT/C/QAT/CO/3, para. 49)<sup>1</sup>, the Committee requested the State party to provide information on the follow-up to its recommendations on: fundamental legal safeguards; prompt, thorough and impartial investigations; and, asylum and non-refoulement (see paras. 14, 24 and 38). Noting that a reply concerning the information sought by the Committee was provided on 14 October 2019 (CAT/C/QAT/FCO/3), and with reference to the letter dated 18 December 2019 from the Rapporteur for follow-up on concluding observations, the Committee considers that the recommendation included in paragraph 14 has not been implemented and that the recommendation included in paragraph 38 has been only partially implemented. The follow-up information provided with regard to the recommendation included in paragraph 24 of the previous concluding observations is considered insufficient to assess implementation.

##### **Articles 1 and 4**

2. With reference to the Committee's previous concluding observations (paras. 7–12), please indicate whether the State party's criminal laws have been amended to ensure that the absolute prohibition of torture is enshrined in its legislation and that all acts of torture as defined in article 1 of the Convention are punishable by appropriate penalties which take into account their grave nature, in accordance with article 4 (2) of the Convention. Has the State party taken steps to ensure that acts amounting to torture are not subject to any statute of limitations? Please provide updated information on any changes in the State party's position on withdrawing its reservations to articles 1 and 16 of the Convention.

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\* Adopted by the Committee at its seventieth session (26-28 April 2021).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

## Article 2<sup>2</sup>

3. With reference to the Committee's previous concluding observations (paras. 13–16) and noting the State party's follow-up replies,<sup>3</sup> please provide information on the measures taken by the State party, and on the procedures in place, to ensure that all detainees, including those detained for national security and terrorism-related offences, enjoy in practice all fundamental legal safeguards from the outset of their deprivation of liberty, in particular the rights to be informed of the reasons for their arrest and the nature of the charges against them, to be registered at the places of detention, to receive legal counsel without delay, to notify a relative or any other person of their choice of their arrest, to have immediate access to an independent medical doctor and to be brought promptly before a judge.<sup>4</sup> In this connection, please indicate if the State party has taken any concrete steps to repeal the provisions in the Law on the Protection of Society (Law No. 17 of 2002), the Law on Combatting Terrorism (Law No. 3 of 2004, as amended on 20 July 2017) and the Law on the State Security Agency (Law No. 5 of 2003), which provide for broadened executive powers of administrative detention without adequate judicial review.<sup>5</sup> How does the State party guarantee the right of detainees to challenge the legality or necessity of their detention? Please indicate the measures taken to monitor compliance by law enforcement officials with the fundamental legal safeguards. Please provide information on any disciplinary measures taken since the consideration of the State party's previous periodic report against law enforcement officials who did not immediately allow persons deprived of their liberty to benefit from these safeguards.

4. In its previous concluding observations (paras. 25–26), the Committee expressed concern by the fact that article 48 of the Criminal Code did not fulfil the obligation set forth in article 2 (3) of the Convention as it excluded the criminal responsibility of public employees executing the order of a superior that they had to obey or thought they had a duty to obey. Please provide information on the measures taken to amend this provision of the Criminal Code to ensure that an order from a superior-ranking officer may not be invoked as a justification of torture.

5. In the light of the Committee's previous concluding observations (paras. 19–20), please provide detailed information on the measures adopted to ensure the full independence of the judiciary. What measures have been taken to ensure that the laws and regulations that govern such officials' appointment, the terms thereof and security of tenure, especially for foreign judges, are in conformity with international standards, particularly the Basic Principles on the Independence of the Judiciary (General Assembly resolutions 40/32 and 40/146).

6. Further to the Committee's previous concluding observations (paras. 45–46), please provide updated information on the legislative or other measures taken during the period under review to combat all forms of violence against women, especially those cases involving actions and omissions by State authorities or other entities which engage the international

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<sup>2</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by State parties, the obligation to prevent torture in article 2 is wide-ranging. The obligation to prevent torture and other cruel, inhuman and degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such 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>3</sup> CAT/C/QAT/FCO/3, pp. 2–4. See also letter dated 18 December 2019 from the Committee's Rapporteur for follow-up to concluding observations.

<sup>4</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3-14 November 2019)' – 'Prompt presentation before the judicial authority', 'Arrest procedures and right to legal assistance', 'Detainee registers in police stations' & 'Interpretation during legal proceedings', 'Consular assistance' sections.

<sup>5</sup> A/HRC/42/15, para. 134.56. See OHCHR, 'Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3-14 November 2019)' – 'Protection of the Community Law' & 'State Security Service Law and Law on the Combatting of Terrorism' sections.

responsibility of the State party under the Convention.<sup>6</sup> What steps are being taken to criminalize acts of domestic and sexual violence, including marital rape?<sup>7</sup> Please also provide updated information on the protection and support services available to victims of gender-based violence in the State party.<sup>8</sup> Please include statistical data, disaggregated by the age and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences handed down in cases of gender-based violence since the consideration of the third periodic report of Qatar in May 2018.

7. With reference to the Committee's previous concluding observations (paras. 44–45), please provide updated information, disaggregated by the age, sex and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State party's previous periodic report. Please also provide information on:

(a) The impact of the implementation of the Law on Combatting Trafficking in Persons (Law No. 15 of 2011), the National Plan to Combat Human Trafficking and any new legislation or measures that have been adopted to prevent, combat or criminalize trafficking in persons;<sup>9</sup>

(b) The measures adopted to ensure that victims of trafficking have access to effective remedies and reparation;<sup>10</sup>

(c) The measures taken to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychological support, for potential victims of trafficking while identification processes are being carried out;

(d) The signature of agreements with the countries concerned to prevent and combat trafficking in persons.

### Article 3

8. With regard to the Committee's previous concluding observations (paras. 37–38) and noting the State party's follow-up replies,<sup>11</sup> please provide information on the measures taken during the period under review to ensure that no person was returned to a country where he or she was at risk of being tortured.<sup>12</sup> What steps are being taken to guarantee effective access to the procedure for determining refugee status? Please indicate the measures taken to ensure that procedural safeguards against refoulement are in place and that effective remedies are available with respect to refoulement claims in removal proceedings, including review by an independent judicial body concerning rejections, in particular on appeal.<sup>13</sup> Please clarify whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has a suspensive effect. Please also provide information on the measures adopted to identify vulnerable persons seeking asylum in Qatar, including victims of torture or trauma, and to ensure that their specific needs are taken into consideration and addressed in a timely manner.

9. Please provide updated information on the number of asylum applications received during the period under review, the number of successful applications and the number of asylum seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please include information, disaggregated

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<sup>6</sup> A/HRC/42/15, paras. 134.151, 134.154–155, 134.172, 134.178–179, 134.188, 134.191, 134.193 and 134.195; CEDAW/C/QAT/CO/2, paras. 27–28.

<sup>7</sup> A/HRC/42/15, paras. 134.180, 134.196–198, 134.201, 134.204 and 134.208; CEDAW/C/QAT/CO/2, paras. 27 (a) and 28 (a).

<sup>8</sup> CEDAW/C/QAT/CO/2, para. 28 (d).

<sup>9</sup> A/HRC/42/15, paras. 134.30, 134.96, 134.122–131 and 134.169; CEDAW/C/QAT/CO/2, paras. 29–30.

<sup>10</sup> A/HRC/42/15, para. 134.125; CEDAW/C/QAT/CO/2, para. 30 (c)–(e).

<sup>11</sup> CAT/C/QAT/FCO/3, p. 5. See also letter dated 18 December 2019 from the Committee's Rapporteur for follow-up to concluding observations.

<sup>12</sup> CERD/C/QAT/CO/17–21, paras. 29–30.

<sup>13</sup> CERD/C/QAT/CO/17–21, paras. 29–30.

by country of origin, on the number of persons who have been returned, extradited or expelled since the Committee considered the State party's third periodic report, including a list of countries to which individuals were returned.

10. Please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of diplomatic assurances or the equivalent thereof. Please also indicate the minimum content of any such assurances or guarantees and what measures have been taken in such causes with regard to subsequent monitoring.

#### **Articles 5 to 9**

11. Further to the Committee's previous concluding observations (paras. 27–28), please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been adopted by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

#### **Article 10**

12. With reference to the Committee's previous concluding observations (paras. 29–30), please provide information on educational programmes developed by the State party to ensure that all public officials, in particular law enforcement officials, military personnel, prison staff and medical personnel employed in prisons, are fully acquainted with the provisions of the Convention and are aware that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques. Please indicate whether the State party has developed any methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill treatment and, if so, please provide information on that methodology. Please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Lastly, please provide detailed information on the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including whether the programmes contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

#### **Article 11**

13. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced since the consideration of the previous periodic report. Please indicate the frequency with which they are reviewed.

14. In the light of the Committee's previous concluding observations (paras. 16 (c) and 41–42), please provide updated information on the measures taken to address concerns regarding conditions of detention, including inadequate sanitation, insufficient ventilation and shortage of bedding and food, in prisons and other places of detention, such as immigration detention facilities. Please provide information on the concrete measures taken to reduce overcrowding in places of detention during the period under review, including the use of alternatives to imprisonment both before and after trial. Please also provide statistical data, disaggregated by gender, age and ethnic group or nationality, on the number of pretrial detainees and convicted prisoners, and the location and occupancy rate of all places of detention.

15. Please provide information on the measures taken by the State party to meet the special needs of minors, women and persons with disabilities in detention. Please clarify the

current legislation and policies in relation to remand of members of the above-mentioned groups and the use of alternative measures to conviction and imprisonment of juveniles.<sup>14</sup> In particular, please inform the Committee about measures taken to ensure that detained juveniles are separated from adults in all places of detention.

16. With regard to the Committee's previous concluding observations (paras. 15 and 16 (d)), please indicate whether the State party has taken measures to bring its legislation and practice on solitary confinement in line with international standards. Please include data on the use of solitary confinement during the period under review and an indication of its duration. Please indicate whether this prison regime is subject to any oversight mechanism or external supervision.

17. Please provide information on whether the authorities monitor inter-prison violence; the number of complaints that have been made or registered; and whether investigations are conducted and the outcome of such investigations. Please describe any preventive measures that have been taken in this regard. Please also provide statistical data regarding deaths in custody during the period under consideration, including police custody, disaggregated by place of detention, sex, age, ethnic origin or nationality, and cause of death. Please indicate the manner in which those deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased persons received compensation in any of the cases. In particular, please provide information on the outcome of the investigations concerning the deaths of Messrs. Fahd Bohendi and Ahmed Tahoud.

18. Bearing in mind the Committee's previous concluding observations (paras. 21–22) please provide information on the visits to places of detention carried out by the Office of the Public Prosecutor and the Human Rights Department of the Ministry of the Interior, the National Human Rights Committee and other monitoring bodies during the period under review and on the measures taken by the State party in response to the recommendations made by these entities and mechanisms.<sup>15</sup> Please describe the measures taken to ensure that the National Human Rights Committee has the budget, infrastructure and the resources it needs to fully execute its mandate. Please also describe the measures taken to ensure that the personnel of the National Human Rights Committee have unhindered access to all places of detention. Please clarify whether non-governmental organizations are authorized to carry out activities inside prisons and to verify and monitor respect for the rights of the persons deprived of their liberty. Further to the Committee's previous recommendation (para. 22 (d)), please indicate whether the State party intends to ratify the Optional Protocol to the Convention and, if so, the status of the ratification process.<sup>16</sup>

19. Please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions where persons with intellectual disabilities or persons with psychosocial disabilities are institutionalized. Please indicate any measures for the deinstitutionalization of persons with disabilities, and what the situation is with respect to alternative forms of treatment, such as community-based rehabilitation services and other outpatient programmes.<sup>17</sup> Please also indicate measures taken to prevent isolation, coercion and over-medicalization of persons with disabilities in all mental health settings, adopt supported decision-making services, peer support, and ensure the human rights-based approach and people-centred services into mental health and community services.

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<sup>14</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3-14 November 2019)' – 'Juvenile justice and the minimum age of criminal responsibility' section.

<sup>15</sup> OHCHR, 'Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3-14 November 2019)' – 'National Human Rights Committee' & 'Oversight over the places of deprivation of liberty' sections.

<sup>16</sup> A/HRC/42/15, para. 134.39; Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3-14 November 2019)' – 'Oversight over the places of deprivation of liberty'.

<sup>17</sup> OHCHR, 'Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3-14 November 2019)' – 'Approach to psychosocial care' section.

20. Please indicate the measures taken by the State party to ensure that detention of asylum seekers and migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention. Please provide information on the steps taken to ensure the early identification of victims of torture and to ensure that such individuals are not detained within the context of asylum procedures.

### **Articles 12–13**

21. With reference to the Committee’s previous concluding observations (paras. 23–24) and noting the State party’s follow-up replies,<sup>18</sup> please provide up-to-date statistical data on complaints of acts of torture and ill-treatment recorded by the State authorities during the reporting period. Please include information on investigations, disciplinary and criminal proceedings and convictions and on the criminal or disciplinary sanctions applied.<sup>19</sup> Please also provide updated information on the measures taken to ensure that officials suspected of having committed acts of torture or ill-treatment are immediately suspended from duty for the duration of the investigation. Please include examples of relevant cases and/or judicial decisions.

### **Article 14**

22. With reference to the Committee’s previous concluding observations (paras. 35–36), please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts and actually provided to the victims of torture or their families since the consideration of the previous periodic report. This should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

### **Article 15**

23. Taking note of the Committee’s previous concluding observations (paras. 17–18), please provide information on the measures taken to ensure respect in practice for the principle of inadmissibility of evidence obtained through torture and ill treatment.<sup>20</sup> Please also indicate whether judges have refused to admit evidence in any cases during the reporting period on the grounds that it was obtained through torture or ill-treatment.

### **Article 16**

24. Taking note of the Committee’s previous concluding observations (paras. 47–48), please provide information on the measures taken to protect human rights defenders and journalists and to punish perpetrators of attacks, intimidation and other criminal acts against them.

25. With respect to the Committee’s previous concluding observations (paras. 39–40), please comment on reports that the *kafala* system (sponsorship) remains in place and continues to facilitate abuse and exploitation of migrant workers in Qatar, in particular those employed in low-paid jobs, such as construction and domestic work.<sup>21</sup>

26. In the light of the Committee’s previous concluding observations (paras. 31–32), please provide information on the steps taken to abolish corporal punishment as a sentence

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<sup>18</sup> CAT/C/QAT/FCO/3, pp. 3–4. See also letter dated 18 December 2019 from the Committee’s Rapporteur for follow-up to concluding observations.

<sup>19</sup> A/HRC/42/15, para. 134.90.

<sup>20</sup> Ibid., para. 134.93.

<sup>21</sup> A/HRC/42/15, paras. 134.50 and 134.233–269; CEDAW/C/QAT/CO/2, paras. 45–46; CERD/C/QAT/CO/17–21, paras. 15–18; See OHCHR, ‘Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3–14 November 2019)’ – ‘De facto deprivation of liberty by private actors’ section; OHCHR, ‘UN human rights experts welcome Qatar’s improvement of migrant rights’, 3 September 2020.

for crime. Please indicate the measures taken by the State party to prohibit the corporal punishment of children in all settings. Does the State party intend to abolish the death penalty in law and, as an interim measure, declare an official moratorium on executions?<sup>22</sup>

#### **Other issues**

27. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with its obligations under international law, especially the Convention.<sup>23</sup> Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to anti-terrorism measures; and whether there have been complaints of non-observance of international standards, and if so, what the outcome was.

28. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and action comply with its obligations under the Convention. Also, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement such as homes for the elderly, hospitals or institutions where persons with disabilities are still institutionalized.

#### **General information on other measures and development 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 measure taken since the consideration of the previous periodic report to implement the provisions of the Convention or the Committee's recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and statistical data. Please also provide any other information that the State party may consider relevant.

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<sup>22</sup> A/HRC/42/15, paras. 134.27, 134.87–89, 134.91–92 and 134.94–95.

<sup>23</sup> A/HRC/42/15, para. 134.57.