



Shadow Report
On
The implementation of the Convention against Torture and
Other Cruel, Inhuman or Degrading Treatment or
Punishment

Qatar National Human Rights Commission
(NHRC)

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Introduction

The National Human Rights Committee of the State of Qatar (NHRC) submits this report in response to the list of issues (CAT/C/QAT/Q/2) considered in connection with the examination of the third periodic report of Qatar adopted by the Committee against Torture.

There are 2 sections in the present report:

First: Legislative frameworks and policies for the implementation of the Convention, and recommendations of the NHRC.

Second: Information on the independent monitoring of the Convention and the recommendations of the NHRC.

The report was prepared after reviewing a number of important sources, including the state report to the CAT, the concluding observations of the CAT, as well as national legislation, laws and practices, in addition to the annual reports of the NHRC.

Executive Summary:

The State of Qatar has put in place all the legislative frameworks to promote the implementation of the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as other administrative and judicial measures to monitor places of detention. In order to ensure the provision of information that would help the State of Qatar to maintain respect and promotion of human rights, to comply with its international obligations under the ratified Conventions, and to assist the CAT in obtaining information and providing the best observations, the present report focused on challenges in accordance with the NHRC's vision, based on independent monitoring efforts according to its establishment law and terms of reference.

The first section of the present report covers the legislative achievements and procedures, as well as the challenges and recommendations of the NHRC. The most important of these is taking the necessary steps to consolidate the views on describing acts of torture constituting a crime and to adapt more compliance with the Convention.

The State has made great efforts to develop and improve places of detention. The NHRC has monitored the improving of facilities, providing equipment, and providing health and social care, rehabilitation and vocational training to detainees without discrimination. However, The NHRC considers that the system of pre-trial detention as a procedure of investigation and prosecution in criminal matters is still widely used, especially due to some provisions in combating terrorism, protection of society and state security laws. The NHRC therefore recommended that such legislation should be reviewed.

The report of the NHRC mentioned the role of the judicial bodies in monitoring the places of detention, in addition to the role of the penal institution and some departments in the Ministry of Interior. The NHRC called for more transparency in disseminating information and statistics on the number and location of visits and the number and nature of relevant complaints.

With regard to the training of law enforcement officials and the development of curricula, the NHRC contributed resources to the amendment of curricula and provided information on human rights related issues. The NHRC believes that information on the quality of training and the number of human rights courses for law enforcement officers per year remains inaccurate and inadequate.

The NHRC has made several recommendations to examine the feasibility of ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention against Torture.

Section two of the report contains information on the independence of the NHRC and the role it plays to achieve independent monitoring of the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report pointed out that the NHRC has done as much as possible in order to ensure harmonization with the Paris Principles, which provide that the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society). In its 2014 annual report, the NHRC stated that "the State of Qatar is almost free of torture; however the NHRC receives complaints on violations of cruel or degrading treatment." The Committee has based this conviction on the basis of the testimonies it received, the field visits it has made and the interviews of detainees.

On the other hand, the attention of the NHRC is drawn to the most vulnerable groups such as children, domestic workers, low-paid workers, persons with disabilities and psychosocial patients, where the NHRC provided information on the challenges to protecting them in accordance with the Convention. One of the most important observations of the Committee is the phenomenon of companies not issuing residence permits and health cards for its workers and employees, which made them detained in police stations. The Committee described this as arbitrary detention and a violation of the right to personal security.

The report referred to the NHRC's role in cooperating with international mechanisms for the protection of human rights and cooperation with civil society organizations such as Amnesty International, Human Rights Watch and the International Confederation of Trade Unions. The report concluded with information on the NHRC's plan to develop independent monitoring of places of detention (for the years 2016-2017). The plan included a number of objectives, such as the establishment of an organized and permanent mechanism for dialogue and discussion between the NHRC and all concerned parties in the Ministry of the Interior, based shared responsibility and promote capacity-building for all parties concerned in the implementation of the Convention and responsible for carrying out the monitoring, inspection and control with the greatest possible objectivity.

Section one:

Legislative frameworks, policies and procedures for the implementation of the Convention and recommendations of the National Human Rights Committee

1. Definition of torture:

The Permanent Constitution of Qatar guarantees personal freedom and ensures that no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law; and no person may be subjected to torture, or any degrading treatment; and torture shall be considered a crime punishable by law (Article 36). Furthermore, the constitution provides that accused person is presumed innocent until convicted before a court of law, wherein the necessary guarantees of the right of self-defense are secured (Article 39).

The Penal Code no. 8 of 2010 criminalized torture in accordance with the definition contained in the Convention and stipulates in Article no. 159 that stipulates: “Torture is any act which results in severe pain or suffering, whether physical or emotional, which is inflicted on purpose against someone for the purposes of getting information or a confession, or to punish him for an action he did, or was suspected of doing himself or someone else, or to intimidate him or force him or any other person, or when such pain and suffering are due to solitary captivity of any kind. This shall not include the pain or suffering arising only from legal penalties or attachments to such penalties, which may be accidental results thereof.”

*** Recommendations of the NHRC:**

- **To describe acts of torture constituting a crime, through the development of a descriptive list; this shall help to further comply with the Convention.**
- **To conduct further training for law enforcement officials to optimize the reports submitted in accordance with the definition of the crime of torture in the Penal Code and to differentiate between them and other crimes such as causing injury, permanent disability or physical harm.**
- **To organize more panel discussions and training courses for law enforcement officials to eliminate confusion between what can be considered torture and what is considered ill-treatment, where there is no defined criterion for all the acts that results in pain, according to age, sex, health, and mental and psychological state. Individuals concerned with the application of the Convention in places of detention should understand all these facts and achieve a common vision on how best to implement the Convention.**

2. Punishment of the crime of torture:

The Penal code no. 11 of 2004 in Article 159 stipulates that “A penalty for a period not exceeding five years shall apply to any public officer who uses torture, force or menace with an accused, a witness or an expert or orders such measures to cause him to confess a crime, make statements or disclose information in this respect or to hide any said issues. If the act of the officer results in a permanent wound of the victim, the penalty of the perpetrator shall be imprisonment for a period not exceeding ten years. If the act results in the decease of the victim, the penalty of the perpetrator shall be the capital punishment or the perpetual imprisonment.”

While Law No. 8 of 2010 Amending Certain Provisions of the Penal Code as Promulgated by Law No. 11 of 2004 stipulates in article 159 that: “Whoever being a public servant, uses force or threat against an accused person, witness or expert or ordered to force the accused, a witness or an expert to admit having committed a crime or give statements or information or withholds information in respect thereof, shall be punished with imprisonment for a term not exceeding five years. The penalty shall be imprisonment for a term up to ten years if the use of the force causes permanent disability. The penalty shall be capital punishment or life imprisonment if the use of the force results in death of the victim.”

Furthermore, Article 161 of the Penal code no. 11 of 2004 stipulates that “A penalty of imprisonment for a period not exceeding three years and a fine not exceeding ten thousand Riyal or one of the two penalties shall apply to any public officer who uses harshness with any person during his office or compels him to any act except for the cases where the law authorizes such acts.”

While Article 163 of the Penal code no. 11 of 2004 stipulates that “A penalty of imprisonment for a period not exceeding five years shall apply to any public officer who arrests a person, imprisons or seizes him except in the cases provided by the law, or orders a penalty for a condemned more severe than this provided by the law or a penalty to which said condemned was not convicted.”

*** Recommendations of the NHRC:**

- **To establish an independent body to prevent and investigate complaints of torture and other ill-treatment, to provide statistical data and to share the results of investigations and the penalties imposed with the concerned parties, including the NHRC.**
- **To organize more seminars and workshops on the responsibility of public authorities, including the judiciary, the prosecution, the police and prison directors, to ensure that perpetrators of torture and other ill-treatment are punished, and to seek expertise and advice from the Office of the High Commissioner for Human Rights and provide information on the most best experiences in the Arab region on the establishment of independent bodies to investigate complaints of torture, and best practices in referring perpetrators to jurisdictions and imposing penalties.**

3. Administrative and judicial proceedings related to inspection and oversight:

The State has several national mechanisms to prevent torture or ill-treatment, as follows:

- Periodic self-inspection within the scope of the penal and correctional institutions:

Pursuant to the Implementing Regulations for the Law on Penal and Correctional Institutions, the official responsible for managing the inspection institution must ensure that the safety, health and organizational standards are met within the institution, record that in the register for period inspections and provide periodic reports, or whenever necessary, to the Director of the Department of Penal and Correctional Institutions on the situation of the institution with regard to its ability to ensure respect for the rights of detainees and their enjoyment of their rights and guarantees provided for under the Law.

-Judicial Supervision of the Public Prosecution:

In accordance with rules governing judicial supervision of the members of the Office of the Public Prosecutor contained in the Code of Criminal Procedure, and in accordance with the provisions of the Implementing Regulations for the Law on Penal and Correctional Institutions, members of the Office of the Public Prosecutor may enter institutions located within their jurisdiction in order to ensure that there are no unlawfully detained persons. With a view to performing that function, they may examine registers and arrest or detention warrants and take copies of them; they may also enter into contact with any detained person to hear his complaint.

- Monitoring mechanisms under the Ministry of the Interior:

Pursuant to the provisions of the Guide to the Rights and Duties of Detainees of the Department of Penal and Correctional Institutions, and as part of the work of the Human Rights Department of the Ministry of the Interior, relevant inspection teams make surprise visits to penal and correctional institutions in order to ascertain the situation of detainees with regard to insurance of their rights. Furthermore, relevant questionnaires including comprehensive questions are answered and be examined by officials in Penal and Correctional Institutions on the realization of rights of detainees and prisoners including civil, legal, educational, social, health rights.

It is worth mentioning that since 2007, the Human Rights Department of the Ministry of the Interior has conducted more than 70 inspection visits.

- Independent monitoring of the NHRC:

Article 4 of Law regulating the NHRC provides that “The NHRC has full independence in the exercise of its human rights activities.”

According to the same law, The NHRC aims at promoting and protecting human rights and freedoms, for so-doing, it shall act upon the following competencies and duties:

1 – To propose necessary means to promote and pursue the objectives stipulated by international conventions and instruments on human rights, to which the State of Qatar has become a party, and to recommend on the State’s accession to other human rights conventions and instruments.

2 – To advise and provide recommendations to the concerned authorities regarding human rights issues.

3 – To consider any abuses or violations of human rights, to get involved in the settlement of complaints reported to it on such violations, to coordinate with the competent authorities for necessary action, and to propose ways to address and prevent them from being repeated.

4 – To make the necessary suggestions to those who are concerned with existing legislations and proposed draft laws, and their relevance to the provisions of international conventions on human rights to which the State of Qatar has become a party.

5 – To monitor human rights status in the country, to prepare related reports, and submit such reports to the Council of Ministers together with the NHRC's opinion in this regard.

6 – To monitor issues that might be raised regarding human rights status in the country and to coordinate with the concerned authorities to address such issues.

7 – To take part in the preparation of national reports intended to be submitted by the State of Qatar to international bodies and organizations concerned with human rights regarding the conventions to which the State has become a party.

8 – To cooperate with international, regional, and national organizations concerned with human rights and freedoms and to participate in related international events.

9 – To raise awareness on human rights and freedoms, to entrench human rights culture, and to consolidate human rights principles on both the intellectual and the practical levels.

10 – To conduct field visits to penal and reformatory institutions, detention centers, labor gatherings, health institutions, and educational institutions so as to monitor the human rights status. Such visits are expected to be made by the NHRC's Chairman and Members.

11 – To coordinate and cooperate with institutions concerned with human rights in the State of Qatar, according to each institution's terms of reference and duties.

12 – To organize conferences, symposiums, courses and debates on human rights and freedoms issues and to coordinate with the concerned authorities in this regard when necessary.

13 – To take part in the preparation of educational and research programs related to human rights and to participate in their implementation.

Article 16 of the same law stipulates that: “Ministries, government departments and public institutions shall cooperate with the NHRC in performing its duties and terms of reference. They shall provide the NHRC with information and data required in this regard. The NHRC may invite the representative of any of these parties to attend its meetings without having the right to vote.”

*** Recommendations of the NHRC:**

- To announce the number of inspection visits conducted by the Public Prosecution and the Penal and Correctional institutions department of Ministry of Interior, and the participation of the concerned parties in the provision of information on the nature of the visits, the principles of monitoring, forms of questionnaires and interviews, number and nature of the violations, results and foundations of investigation with the perpetrators and the number and nature of the penalties.

- To examine the feasibility of ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention against Torture.

4. Extradition:

Despite the fact that Qatar is not a party to the 1951 Refugee Convention and its 1967 Protocol Qatar plays an important and effective role in supporting refugees at the regional level. The Constitution states that "The extradition of political refugees is prohibited, and the Law shall determine the conditions for the granting of political asylum"; there has been no national legislation to regulate asylum, to date.

On the other hand, the State of Qatar has ratified the Gulf Cooperation Council (GCC) Convention to counter Terrorism, which provides for conditions for the extradition of accused persons in accordance with the provisions of the Convention against Torture, taking into account that the conventions ratified by the state have the force of law under the Constitution.

Article 20 in the Gulf Cooperation Council (GCC) Convention to counter Terrorism stipulates that "Extradition shall not be granted in any of the following circumstances:

- (A) (a) If the offence for which extradition is requested is regarded by the requested State as an offence of a political nature;
- (B) If the offence for which extradition is requested is an offence under military law,
- (C) If the offence for which extradition is requested was committed in the territory of the requested contracting State, except where the offence has harmed the interests of the requesting State and its laws provide for the prosecution and punishment for such offences and where the requested State has not initiated any investigation or prosecution;
- (D) If a final judgement having the force of res judicata has been rendered in respect of the offence in the requested Contracting State or in a third Contracting State;
- (E) If, on delivery of the request for extradition, proceedings have been terminated or punishment has, under the law of the requesting State, lapsed because of the passage of time;
- (F) If the offence was committed outside the territory of the requesting State by a person who is not a national of that State and the law of the requested State does not allow prosecution for the same category of offence when committed outside its territory by such a person;
- (G) If the requesting State has granted amnesty to perpetrators of offences that include the offence in question;
- (H) If the legal system of the requested State does not allow it to extradite its nationals. In this case, the requested State shall prosecute any such persons who commit in any of the other Contracting States a terrorist offence that is punishable in both States by deprivation of liberty for a period of at least one year or more. The nationality of the person whose extradition is sought shall be determined as at the date on which the offence in question was committed, and use shall be made in this regard of the investigation conducted by the requesting state.

Article (21) of the same convention stipulates that "Should the person whose extradition is sought be under investigation, on trial or already convicted for another offence in the requested State, his concluded, the trial is completed or the sentence is imposed. The requested State may nevertheless extradite him on an interim basis for questioning or trial provided that he is returned to that State before serving the sentence imposed on him in the requesting State."

Article (22) of the same convention stipulates that For purposes of the extradition of offenders under this Convention, no account shall be taken of any difference there may be in the domestic legislation of Contracting States in the legal designation of the offence as a felony or a misdemeanor or in the penalty assigned to it, provided that it is punishable under the laws of both States by deprivation of liberty for a period of at least one year or more.

*** Recommendations of the NHRC:**

- **To examine the feasibility of ratifying of the Refugee Convention and the development of the legislation to ensure its application.**
- **To conduct a study on the availability of provisions for the extradition or criminal prosecution of persons accused of the crime of torture in the light of the provisions of the Convention against Torture in article 4, which stipulates that "Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature."**

5. Legal safeguards in relation to detention:

The Code of Criminal Procedure No. 23 of 2004 in Article (40) provides for the legal safeguards of detained persons and stipulates that " It is forbidden to arrest or imprison anyone unless through an order issued by the competent authorities, and in the cases provided for in the laws, he should be treated with respect to human dignity, and should not be subject to any bodily or moral harm. The criminal investigation officer informs the arrested of his right to remain silent and call whoever he finds necessary."

Article (114) of the same states that "When the defendant is put in the detention center, the detention center officer receive a copy of the warrant of preventive detention in which is specified the date of end of its validity, after signing the original for having received it."

Law No. 3 of 2009 regulating penal and correctional institutions provides for procedures for "Solitary confinement and isolation" to guarantee the rights of prisoners in accordance with the Convention (Articles 53- 56).

Furthermore, the Code of Criminal Procedure No. 23 of 2004 in Article (113) provides that "Any arrested person or any person put under preventive detention is notified of the reasons of arrest or detention, and he have the right to call whoever is considered necessary and to seek assistance of an attorney."

The NHRC considers that the system of pre-trial detention as a procedure of investigation and prosecution in criminal matters is still widely used, which in some cases represents a stand-alone punishment, especially since the provisions of the Code of Criminal Procedure allow for the renewal of pre-trial detention for periods of up to half the sentence for the charge, despite the fact that all accused persons are presumed innocent until proven guilty.

According to the statistics received from the Supreme Judicial Council in 2015, there are up to 350 Qatari citizens held in pre-trial detention, out of which 120 were released, and up to 3153 non-Qataris, out of which 160 were released.

*** Recommendations of the NHRC:**

- **To review the law no (3) of 2004 on combating terrorism, which allows the Public Prosecution to detain the defendant for up to six months without presenting the case to the judiciary. Law No. 17 of 2002 on the protection of society, with a view to limit the exceptional powers granted to the investigation officer provided in articles 1 and 2 permitting the defendant to be detained up to two years in certain cases by a decision without referral to the judiciary to prove his/her innocence or guilt before a court of law, wherein the necessary guarantees of the right of self-defense are provided in accordance with article 39 of the permanent constitution, especially that it is a permanent law and not an exceptional measure like all exceptional laws in comparative legislation.**

- **To review some provisions of Law No. (5) for the year 2003 establishing the State Security Service in Article 7 (Amended By 10 /2008), that provides that "any person charged with the commission of a crime that falls within the Authority's terms of reference shall be detained for a maximum of thirty days before being presented to the Public Prosecution, and the president may, where necessary, prohibit him from leaving the country for a period not exceeding thirty days, which may be extended by the order of the Attorney-General for a renewable period of six months", noting that the decisions issued pursuant to this law may not be appealed before the courts.**

6. Training programs for law enforcement officials:

According to the third periodic national report on the Convention on Torture, there has been increasing interest by government agencies in the organization of courses and activities to promote human rights lately through the Legal and Judicial Studies Centre of the Ministry of Justice, which issues annual reports on the number of trainees of judges, their assistants and prosecutors. According to these reports, the NHRC finds that the number of hours allotted to human rights subjects is relatively low when compared with the specialized topics related to judges and their assistants.

The Police Training Institute of the Ministry of the Interior provides training courses on human rights; however these courses are based on theory and ignore the practical side. For example, training on judicial inspection or periodic inspection does not include information on the use of questionnaires or Interviews with detainees.

It is worth noting that the NHRC have organized several courses and events for law enforcement officials in 2015, as follows:

- A course on hotlines in cooperation with Polaris and Qatar Foundation for Protection and Social Rehabilitation, 1-5 February.
- A course for prosecutors, judges and police officers on the national legislation to combat the crime of trafficking in human beings and its mechanisms of implementation in Qatar, 29-30 November.
- A session on the national legislation to combat the crime of trafficking in human beings and its mechanisms of implementation in Qatar for inspectors of the Ministry of Labor, 6-7 December 2015.
- A lecture for the students of Ahmed bin Mohammed Military College, January 5.
- Two lectures entitled "Definition of the NHRC and its Legal Nature" at the Police College, 16 and 19 November.
- A regional workshop on international protection in humanitarian crises in partnership with the Office of the High Commissioner for Refugees, Riyadh Office, 14-15 December.
- A course on investigation and documentation of torture in Manila, Philippines, April 20 - 24.
- A course monitoring of places of detention of migrants in Malaysia, 30 November to 3 December.

*** Recommendations of the NHRC:**

- To consider the inclusion of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in curricula of the Ministry of the Interior and the judiciary, along with other human rights conventions such as the Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of Discrimination against Women, and other International Standards included in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Basic Principles for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile, and the UN Rules for the Protection of Juveniles Deprived of their Liberty.
- To increase the number of practicum hours, especially for the training on questionnaires and interviewing, dealing with sources of information, governing the professional conduct and actions, patience, and non-abuse of power by officers who carry out raids, arrests, and preliminary investigations.

Section 2

Information on independent monitoring of the Convention and recommendations of the NHRC

This section provides information on the independent monitoring of places of detention carried out by the NHRC and its recommendations:

A. Independence of the NHRC:

The National Human Rights Committee was established by decree pursuant to Law No. 38 of 2002; Decree Law No. 17 of 2010 regulating the NHRC was then adopted, with a view to developing the law and making it compatible with the Paris Principles. Article 1 of the law provides that “The NHRC shall have its own legal personality, as well as its independent budget,” and article 3 of the same law provides that among its competencies shall be to conduct field visits to penal and reformatory institutions, detention centres, labour gatherings, health institutions, and educational institutions so as to monitor the human rights status.

Article 4 provides that “The NHRC has full independence in the exercise of its human rights activities.” While, Article 5 provides for the composition of the Committee and stipulates that the NHRC shall include no less than seven civil society representatives to be selected from experienced human rights advocates, in addition to representatives from government authorities, who shall not have the right to vote.

Law No. 12 of 2015 was adopted by amending some of the provisions of Decree Law No. 17 of 2010 regulating the NHRC, with a view to granting immunity to its members. Article 4 provides that “The NHRC shall enjoy complete independence in the pursuit of its activities relating to human rights. No member of the NHRC shall be held criminally or disciplinarily accountable for any opinions or statements he expresses before the Committee or any of its subcommittees regarding matters coming within its competence, except in cases of flagrante delicto, it shall not be permissible to enter the headquarters of the Committee or any of its branches or offices, or to inspect any of them, except in the presence of at least a public attorney, on the basis of a warrant from a competent judge.”

The NHRC has explained to the the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) that it is adopting a methodology for the selection of members without interference from the executive branch. The NHRC has done as much as possible in order to ensure harmonization with the Paris Principles, which provide that the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society).

The Committee is currently composed of 13 members, 9 members representing civil society, including 3 females, and 4 representatives of government bodies who do not have the right to vote. Coordinators of the Indian, Nepali, Nigerian, Cameroonian, Egyptian, Filipino and Bangladeshi communities also participate in the meetings of the members of the NHRC to consult their views and suggestions on the human rights situation in the State of Qatar. One of the reasons the NHRC was accredited status “A” in 2010 and 2015 was the progress achieved by the NHRC regarding the selection procedure for its members. The NHRC also undertakes to continue to exert the necessary efforts to implement all the observations of the Accreditation Committee regarding the process for the selection of members.

B. Issues relating to independent monitoring of the implementation of the Convention on the Prevention of Torture:

- 1. Receiving complaints, petitions and conducting field visits**
- 2. Protecting and promoting the rights of the most vulnerable groups**
- 3. Cooperation with civil society organizations**
- 4. 2016-2017 Work Plan to develop independent monitoring of places of detention**

1. Conducting field visits:

In its 2014 annual report, the NHRC stated that "the State of Qatar is almost free of torture; however the NHRC receives complaints on violations of cruel or degrading treatment." The NHRC has based this conviction on the basis of the testimonies it received, the field visits it has made and the interviews of detainees.

In 2015, the Field Visits Team conducted 17 surprise visits to the Department of Penal and Correctional Institutions in the Ministry of the Interior, the Central Prison, Um Salal police station, the deportation center, Al Rayan security department, Industrial Police Department and the psychiatric department at Hamad Medical Corporation to examine the human rights conditions of detainees. The NHRC heard stories of three detainees who claimed to have been beaten and ill-treated during investigations without leaving a physical trace. In examining the position of the judiciary on the defendants' allegations, the NHRC examined the documents of the judicial investigations - during the hearing of the case - which stated that these allegations were not proved.

In 2016, the NHRC conducted 22 visits to places of deprivation of liberty, 80% of which were for deportation. During a visit to the State Security Service, direct questions were directed on torture and ill-treatment or cruel or degrading treatment to six detainees accused of terrorism-related offenses.

The NHRC reiterated its observations on the detention of deportation and the need to amend or replace the system, which reflects a negative image that is not in line with the reality of the efforts of the state to protect and promote the human rights. The challenges are prolonged use of pre-trial period and overcrowding. The Ministry of Interior reported that the reason for the delay in securing the detainees' departure was due to the illegal entry of some of them into the state or the lack of documentation. Consequently, their embassies were contacted to issue travel documents, which prolonging the detention.

2. Protecting and promoting the rights of the most vulnerable groups

According to the 2006 Report of the Special Rapporteur on torture, torture is the most serious violation of the human right to personal integrity and dignity, presupposes a situation of powerlessness, whereby the victim is under the total control of another person. The particular disability of an individual may render him or her more likely to be in a dependant situation and make him/her an easier target of abuse. However, it is often circumstances external to the individual that render them “powerless”, such as when one’s exercise of decision-making and legal capacity is taken away by discriminatory laws or practices and given to others.

The Convention against Torture aims to protect all groups of society without discrimination. Accordingly, the attention of the NHRC is drawn to the most vulnerable groups such as children, domestic workers, low-paid workers, persons with disabilities and psychosocial patients.

In this report we will summarize the NHRC’s efforts to focus on the application of the Convention to the above-mentioned groups.

I. Children:

The regulations and codes of conduct for students at the Ministry of Education prohibit all forms of corporal punishment of children in various forms.

The 2011 SCOT study conducted on 500 expatriates and Qatari families revealed that one out of five children in Qatar is subjected to some forms of abuse - psycho-physical or sexual - at home, school or community away Out of sight. A further study in 2013 revealed that around 1,077 Qatari and non-Qatari students are subjected to physical abuse and violence, including corporal punishment, in schools.

Law No. (1) for 1994 is the cornerstone in the Qatari legislation that deals with juvenile affairs, and since it has been issued for 22 years and has not undergone any change, it should be reviewed to achieve compatibility with the Convention on the Rights of the Child .

It is well known that Qatar Supreme Council for Family Affairs raised the Child's Bill to the Council of Ministers, which included provisions prohibiting all forms of corporal punishment against children, provided for the establishment of an independent juvenile court, raising the age of criminal responsibility, establishing a specialized police called the "Child Police", and a specialized prosecution called the "Child's Prosecution", and the formation of the Children's Court of First Instance, whose appeals shall be represented before the Child Chamber of the Court of Appeal.

The NHRC has made specific efforts in this regard as follows:

- The NHRC addressed the Secretariat of the Council of Ministers with a request to expedite the promulgation of the law and held several panel discussions on the draft law, and submitted its comments in accordance with international standards.
- The NHRC recommends that all national legislation be amended in accordance with the Convention on the Rights of the Child, particularly with regard to determining the age of the child in accordance with the Convention and unifying the age of majority for both sexes in all national legislation.
- The NHRC conducted surprise visits to the juvenile prison and made reports and recommendations to the concerned authorities.
- In its published annual reports, the NHRC has recommended to the Government the development of legislation or a system on domestic violence including effective mechanisms for reporting crimes against children, especially those committed by their caregivers, and the development of social services for prevention, protection and treatment.

It is worth mentioning that the Protection and Social Rehabilitation Centre (AMAN) (previously known as Qatar Foundation for Protection and Social Rehabilitation) as a civil society organization plays an active role in providing support, protection and care to victims of violence and disintegration of families specially women and children, through providing them with temporary shelters, receiving their reports, providing psychological and legal counseling and implementing rehabilitation programs. In 2015, the number of children exposed to violence was 389, of whom 174 were Qataris and 215 non-Qataris.

II. Domestic workers:

Domestic workers continue to suffer from the absence of a special law that regulates the labor relations, ensuring their protection and preserving their rights. The NHRC monitors through the complaints received the occurrence of negative practices and inhumane acts towards, including forcing some of them to work for long periods, not to receive weekly rest and/or their financial dues or full benefits according to the employment contracts, and reducing their salaries under moral pressure and the threat of imprisonment or deportation.

The NHRC recommended the speedy enactment of the Law on Domestic Workers, which has been approved by the Council of Ministers since 2007, the establishment of a mechanism for submitting complaints and petitions, and providing them with more protection against abuse and exploitation.

It is worth mentioning that the Council of Ministers agreed at its ordinary meeting in October 2016 to establish a national committee to combat trafficking in human beings, which will be responsible for preparing a national plan to combat trafficking in human beings and preparing and publishing an annual report on the efforts of the State of Qatar in this regard.

III. Low- paid workers:

During the year 2015, the NHRC received 1,609 complaints, mostly of migrant workers (1,271 complaints from males and 338 from females). Most of the complaints received were requests for sponsorship transfer, financial dues and exit permits. Eleven labor cases have also been referred to the NHRC by the United Nations Special Rapporteur on Migration and Amnesty International, they related to non-payment of wages and lack of legal protection.

The NHRC noted in previous reports published on its website in Arabic and English that “categories of migrant workers, especially low-wage workers, are exposed to harsh conditions because their companies have violated labor law and relevant ministerial decisions, particularly non-payment or delaying the disbursement of salaries and other benefits, transfer of sponsorship, seizure of passports and the lack of decent accommodation.” Other reports also addressed that these violations had negative consequences, particularly when they met with working conditions, including the high temperatures and humidity in the summer.

(For more information, check out the NHRC’s annual reports of 2014 and 2015: www.nhrc-qa.org.)

The NHRC monitors the failure of some companies to issue residence permits and health cards for workers and employees, which in turn expose them to detention in police stations.

The NHRC recommended that workers who do not hold IDs should not be detained if the employer fails to issue them, conducting inspection campaigns on companies to make sure they issue residence permits and health cards, fining violators, and considering this violation as a reason for changing the employer. The NHRC also called for the development of a hotline system, in cooperation with the police and the Public Prosecutor's Office, as well as the establishment of shelters with adequate capacity for all legal and social services.

Recently, the state has made progress in amending the labor law to protect the wages of migrant workers, which is considered a positive step to eliminate one of the most critical concerns in the construction sector and small construction companies. The new law regulating the entry and exit of expatriates came into force in the fourth quarter of this year, after a long wait with mechanisms to protect workers from changing the terms of the contract after they were brought in.

According to the law, a work visa shall not be granted unless there is a contract of employment concluded directly between the applicant and migrant the labor; this shall contribute to the fight against trafficking in human beings, and controlling the violations of employment agencies. The law also allows for changing the employer immediately after the expiry of the contract in fixed-term contracts or after five years in open-ended contracts. However, the law did not provide practical and innovative solutions to disputes arising between the two parties during the contract period. The law left much to the discretion of the Ministry of the Interior, and also referred a number of important decisions to the executive regulations that have not been issued yet. A new grievance panel has recently been established with limited terms of reference for requests to leave the country only.

It is worth mentioning that the law dealt with the definition of the crime of trafficking in human beings and defined penalties applicable in cases where a law has been violated. The law also guarantees some rights of the victims of human trafficking, in the context of ensuring that these victims are fully protected as a duty of the State. However, some forms of human trafficking continue to emerge in some private sector companies, starting in the labor-exporting country, when the Employment Office offers workers promises to secure golden opportunities to work in Qatar, thereby they had to incur debt to buy the visas and pay for travel, and later they are shocked by the fact that the company they have hired is fictitious, does not provide real paid work, or they may be brought to work freely (as bulk workers), in return for monthly payment..

It should be noted that some managers or delegates in some small construction companies receive from the workers specific amounts in return for granting them approval to work for another party (sponsorship transfer), although The law clearly states the punishment for such a violations including imprisonment and fine.

In a study conducted by the NHRC in 2010 under the title "Status of unskilled workers in the construction sector in Qatar", the sample included 1114 workers. At least 43.4% of respondents said that they paid money to the middlemen to raise their chances of getting a job, 25% of respondents said that they paid money to recruitment offices. There are cases representing a minority of 9.2% of the sample in which workers paid money to both parties. The results of the study reveals that the majority of those who paid money to get the work had to incur debt, which is a high rate of 53% of the total sample, while 4.8% of the sample mortgaged the family home, 12% used their savings and 9.5% seek the help of their parents and relatives.

The NHRC recommended to the competent authorities to establish executive regulations to achieve the purpose of the law, and to allow for flexible decisions that respond to reality and establish positive practices in protecting the rights of workers and ensure their access to justice and remedies.

IV. Persons with disabilities:

A draft law on persons with disabilities was submitted to the NHRC in 2015, and the NHRC had several observations on it. The draft law consisted of (28) articles, about half of which are provisions of the current Law No. (2) For 2004. The NHRC submitted a detailed report on its observations to the General Secretariat of the Council of Ministers, and recommended that the enactment of the law, including its recommendations, be expedited to be consistent with the provisions of the Convention on the Rights of Persons with Disabilities.

It is worth noting that the NHRC has completed the implementation of a the 2015-2016 Plan of Action to Monitor the Implementation of the Convention on the Rights of Persons with Disabilities through which it has strengthened communication with persons with disabilities themselves and their families, supporting them so their voices can be heard, and encouraged them to establish organizations representing them. This was made in conjunction with organizing meetings with Governmental organizations concerned with the implementation of the Convention to gather information, identify efforts and discuss challenges. A working group under the umbrella of the NHRC were formed from a group of persons with disabilities themselves and their family members, and other stakeholders including government agencies, NHRC, civil society institutions with the aim to urge the implementation of the Convention, including the establishment of a comprehensive database and the adoption of a directory of buildings and roads to ensure the right of access. The subject of torture and violence is widely discussed in the meetings of the working group to implement the 2015-2016 Plan of Action to Monitor the Implementation of the Convention on the Rights of Persons with Disabilities, where the NHRC raises the question of mechanisms of protection and its availability in all the field visits that are carried out, where a project on protection from violence has been established in cooperation with the Muaiter Care and Rehabilitation Center in Doha, which provides services to more than 70 people at the moment.

For more information, checkout the 2015 annual report at www.nhrc-qa.org, and the Information available in the reports of the treaty body for persons with disabilities (The Committee on the Rights of Persons with Disabilities), in which the NHRC has provided information to the treaty body and requested advice and consultation.

3. Cooperation with mechanisms for the protection of human rights:

A. International mechanisms:

Since its establishment, the NHRC has participated in the UPR sessions of the State of Qatar in 2010 and 2014, submitted shadow reports and presented oral interventions on the most important human rights related challenges in Qatar.

The NHRC cooperates with the Special Rapporteurs and responds to all the questionnaires on the human rights situation in Qatar, including:

- Questionnaire of the United Nations Special Rapporteur on the situation of human rights defenders
- Questionnaire of the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment
- Question of the Special Rapporteur on the right to peaceful demonstration and association
- Questionnaire of the Special Rapporteur on the independence of the judiciary

In October 2013, the NHRC met with the United Nations Special Rapporteur on the Human Rights of Migrants and met in January 2014 with the Special Rapporteur on the independence of the judiciary.

The NHRC has full membership in:

- The Global Alliance of National Human Rights Institutions (GANHRI)
- Asia Pacific Forum of National Human Rights Institutions (APF)
- The Arab Network of National Human Rights Institutions (ANNHRIs)

B. Cooperation with civil society organizations:

- Amnesty International, Human Rights Watch, and the International Confederation of Trade Unions:

The NHRC receives applications from the aforementioned organizations to assist individuals or groups with problems relating to the access to their rights in the State of Qatar. The NHRC plays an important role in building bridges between the Qatari government and civil society organizations to unify their views and the development of human rights.

For example, in 2016, the NHRC conducted 21 visits to places of detention, including one visit at the request of Amnesty International to Pakistani detainees. In 2015, the NHRC conducted four visits at the request of the Amnesty to a "Filipino detainee" and provided the requested information.

4- The NHRC Plan to develop independent monitoring of places of detention (2016-2017)

In recognition of the importance of its role as a national mechanism for the promotion, protection and monitoring of its implementation, and being established under the Paris Principles, the NHRC has developed a plan of action aimed primarily at developing the independent monitoring of places of detention for the years 2016-2017 with a number of objectives, as follows:

- Conducting an appropriate number of periodic visits, and provide appropriate resources for impartial investigations
- Strengthening the capacity of the NHRC visits team
- Strengthening the capacity of officials in places of detention
- Establishing an organized and permanent mechanism for dialogue and discussion between the NHRC and all concerned parties on a cooperative basis based on the concept of shared responsibility. (Ministry of Interior, Judiciary and Public Prosecution, Penal institution,
- Raising awareness and disseminating information on the Convention.

The plan shall be implemented in four phases:

Phase I: Preparation of a list of places of detention in accordance with United Nations standards:

A special regulation was prepared to conduct independent monitoring of places of detention by specialized experts and two weeks of training were conducted for the sub-committee on Visits of the NHRC to make the best use of the regulations. These regulations are consistent with national legislation in the Code of Criminal Procedure, the Penal and Correctional Institutions Regulation Act and the Regulations on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to international standards in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Basic Principles for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile, and the UN Rules for the Protection of Juveniles Deprived of their Liberty. The Handbook of National Institutions to Monitor Places of Detention, which was developed in cooperation between the United Nations, and the Asia Pacific Forum of National Institutions, has been used.

*** Phase II: Establishment of an organized and permanent mechanism for dialogue and discussion between the NHRC and all concerned parties on a cooperative basis based on the idea of shared responsibility:**

The NHRC is currently preparing closed dialogue sessions with the Ministry of the Interior, the Public Prosecution and the Judiciary to discuss efforts to ensure the protection of the rights of detainees from a human rights perspective, in accordance with the mechanisms provided for in national legislation, such as periodic self-inspection, judicial supervision and inspection visits. Some themes will address the provisions of the Convention and the NHRC's observations on the prevention of torture, with a view to encouraging their application, particularly with respect to the provision of statistics.

*** Phase III: Conducting an appropriate number of periodic visits, and providing appropriate resources for impartial investigations**

In January 2017, the NHRC will initiate a program to conduct 50 surprise periodic visits to selected places, such as the Central Prison for Women and Juveniles, State Security, Pharmacy and Drug Control Department, the Public Prosecution Detention Centers, the Hamad Medical Hospital Mental Health Center, the Muaither Care and Rehabilitation Center, and some agencies for the recruitment of domestic workers against which complaints have been received.

*** Phase IV: A program to train persons in places of detention (Ministry of the Interior, the prosecution and the department of penal and correctional institution)**

In the second half of 2017, the NHRC will provide, in cooperation with the competent authorities, a training program for officials in places of detention monitored by the NHRC and referred to above. The NHRC will assess the success of the Action Plan in achieving its objectives by the end of 2017.