Human Rights Committee

List of issues in relation to the initial report of Qatar*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide further information about the constitutional and legal framework within which the Covenant is implemented. In this regard please (a) provide examples of any cases in which the courts have invoked or directly applied the provisions of the International Covenant on Civil and Political Rights; (b) indicate whether the State party intends to ratify the first Optional Protocol to the Covenant; (c) discuss the status of the Covenant within the national legal order, particularly in cases of incompatibilities between Islamic sharia and its provisions; and (d) clarify whether the State party intends to review its position regarding reservations to articles 3 and 23.4.

2. Please describe the measures adopted to ensure the independence and effectiveness of the Qatari National Human Rights Committee (NHCR). Please include information about the annual budget of the NHCR and the specific measures in place to ensure its full independence.

3. Please describe the degree of participation of civil society organisations in the process of formulating the State party’s Initial Periodic report to the Committee. Please indicate also which agencies are responsible for ensuring the follow-up to concluding observations issued by treaty monitoring bodies.

States of emergency, counter-terrorism measures and surveillance (arts. 2, 4, 6, 7, 9, 14 and 17)

4. Please provide information about the measures taken by the State party to address the COVID-19 pandemic. In particular, please specify whether there have been any derogations from rights within the Covenant, including to freedom of assembly, freedom of movement, privacy and the right to leave a country, as a result of measures taken to address COVID-19, and, if so, whether such measures met the strict requirements of proportionality to the exigencies of the situation, relating to the duration, geographical coverage and material scope, as outlined in Statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2), and whether other State parties were notified of such measures, via the United Nations Secretary General.

5. Please respond to reports that the State party’s counter-terrorism legislation allows for derogations of the rights and safeguards enshrined in the Code of Criminal Procedure. In this regard please provide information about (a) the compatibility of provisions, such as the Law on the Protection of Society no 17 of 2002, the Law on the Establishment of the State Security Apparatus no 5 of 2003 and the Law on Combatting Terrorism, no 3 of 2013, as amended in 2017, with the

* Adopted by the Committee at its 129th session (29 June – 24 July 2020).
provisions of the Covenant, including whether they allow for long periods of pre-
trial detention, including "precautionary detention", which are outside the scope of
the Criminal Procedure Code and not subject to judicial oversight; (b) the number
of individuals arrested and held under such provisions and the average length of time
they were held before being charged with an offense; and (c) how terrorism is
defined within relevant legislation.

Non-discrimination (arts. 2, 3, 14, 20, 23, 26 and 27)
6. Please indicate legislative and other measures taken, since the ratification of
the Covenant, to combat discriminatory laws and social practices based on sex,
sexual orientation, religion, race, ethnicity, disability, and nationality status. Please
include information about steps taken to develop comprehensive anti-discrimination
legislation, including provisions that prohibit discrimination on the above grounds.

Equality between men and women (arts. 2, 3 and 26)
7. Please elaborate on the State party’s plans, in the context of the Qatar
National Vision 2030, to achieve full gender equality. In this regard, please provide
information about (a) the measures in place to increase the proportion of women in
decision making roles within the private and public sectors, including the adoption
of any temporary special measures; (b) any efforts to address the lower overall
labour market participation amongst women, including programmes to combat
stereotypes regarding the role of women in the family and society, which may be
contributing to this gap; and (c) whether the State party intends to reform the
Nationality Act No. 38 of 2005 in order to ensure that Qatari women married to non-
Qatari males can transmit their nationality on an equal basis with Qatari men.

Violence against women, including domestic violence (arts. 2, 3, 6, 7, 24 and
26)
8. Please provide an update on measures to tackle gender-based violence
against women and girls, including migrant domestic workers. Please discuss
progress made in the State party to criminalize domestic violence and marital rape,
including the status of the law on domestic violence drafted in 2014. Please also
provide information about the number of investigations, prosecutions and
convictions of perpetrators, including the penalties awarded, as well as data about
the remedies and psychosocial support provided to victims.

Termination of pregnancy, maternal mortality and reproductive rights (arts.
2, 3, 6, 7 and 24)
9. Please explain the circumstances under which voluntary termination of
pregnancy is legal under Act No. 2 of 1983 concerning the practice of human medicine
and dental medicine and surgery, including clarifying whether it is available in cases
where the women’s life is at risk or she has been a victim of rape or incest. Please
indicate the measures taken to ensure that women and girls have safe, effective access
to legal abortion, and are not forced to undertake unsafe abortion procedures, which
can threaten their life, or travel overseas to access abortion services. Please also
discuss whether there are any plans to broaden legal access to safe abortion within the
State party.

Right to life (arts. 6 and 7)
10. Please provide additional information about the safeguards in place to ensure
that the use of the death penalty in the State party is compliant with the requirements
of the Covenant, as outlined in section IV of General Comment No. 36 on the right
to life (CCPR/C/GC/36). In this regard, please clarify which crimes for which the
death penalty can be applied under Qatari law, and discuss the compatibility with
such provisions and the Covenant. Please also discuss whether the State party
intends to take steps towards a full moratorium on the death penalty and whether it
is considering ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

11. Please respond to reports of multiple deaths amongst migrant workers conducting manual labour in extreme heat conditions and provide detailed information about steps taken to ensure safe working conditions for workers on construction sites in Qatar, including those completing work related to preparations for the 2022 World Cup. Please provide information about the number of such deaths and discuss all the measures that are in place to protect workers, including how effectively their implementation is monitored and enforced amongst employers. Please also provide information about efforts to investigate the deaths of all migrant workers and to provide access to justice for the family members of those who have died, including reparations and guarantees of non-repetition.

Forced labour and trafficking in persons (arts. 6, 7, 8 and 24)

12. Please provide up to date information on efforts to abolish the kafala system, including the adoption of Act No. 13 of 2018 amending article 7 of Act No. 21 of 2015, which regulates the entry, exit and residency of non-nationals, Act No. 15 of 2017 concerning domestic workers, which provides legal protection for domestic workers and Act No. 17 of 2018 concerning the establishment of a migrant workers’ support and insurance fund. Please discuss the efficacy of the implementation of these measures in addressing exploitative labour practices, including forced labour, amongst migrant workers and indicate what steps will be taken to continue reform of the kafala system. Please also discuss the 2017-2020 technical cooperation programme with the ILO., and whether this agreement will be extended. Please also provide updated data on the number of investigations, prosecutions and convictions for forced labour since the ratification of the Covenant, as well as the penalties awarded for such crimes.

13. Please elaborate further on the State party’s response to human trafficking. In this regard, please provide information about (a) the implementation of the Human Trafficking Act No. 15 of 2011 on trafficking in persons; (b) the role and mandate of the National Committee for Combating Human Trafficking and the services in place for victims of trafficking, including shelters and progress towards achieving the 2017-2022 National Action Plan for Combating Human Trafficking; (c) the number of complaints, investigations, prosecutions and convictions secured under the 2011 Human Trafficking Act and the reparations and psychosocial assistance provided to victims. Please also respond to reports of incidences when victims of trafficking have been prosecuted for prostitution and/or violations of immigration laws.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the treatment of persons deprived of their liberty (arts. 7, 9, 10 and 11)

14. Please provide further information about the legal framework prohibiting torture, including minimum sentences for such crimes and how the absolute and non-derogable nature of the right to freedom from torture and other cruel, inhuman degrading treatment is enshrined in national law. Please also provide disaggregated information about the number of investigations, prosecutions and convictions for such acts that have been secured since ratification of the Covenant, including the penalties awarded and the compensation and psychosocial support provided to victims. Additionally, please respond to reports that flogging and stoning can be applied as criminal sanctions under Qatari law and indicate whether the State party has the intention to review such provisions.

15. Please respond to reports about individuals detained within Qatar on the basis of the criminalisation of non-violent acts, including adultery, intimate relations outside wedlock, same-sex relations, absconding from an employer, sorcery, disobedience to parents, begging, the consumption of alcohol and substance abuse. Please provide disaggregated data on the number of people held on such a basis,
including the number of women detained for offenses relating to adultery and intimate relations outside marriage and its percentage, and indicate whether the State party has the intention to de-criminalise such acts or develop alternatives to detention.

16. Please respond to reports that a large number of individuals, who are often foreign nationals, are held in detention due to their inability to repay a debt following violations of articles 357 and 358 of the Penal Code, which make it a criminal offense to write a cheque without sufficient funds. Please provide disaggregated data on the number of individuals held on such a basis and indicate whether there have been efforts to reform such practices.

17. Please respond to reports that a large proportion of the prison population is being held in pre-trial detention and that pre-trial detention is used for extended periods of time. Please provide up to date and disaggregated data on the number of people held in pre-trial detention and indicate whether the State party is taking measures to reduce this phenomenon.

18. Please respond to reports of prison overcrowding and provide information about measures that have been taken to address this, including exploring alternatives to detention, the use of bond and bail provisions and the release of prisoners, particularly those convicted of non-violent offenses, or due to their inability to fulfil a contractual obligation, as discussed in questions 14 and 15 above. Please also respond to reports of a COVID-19 outbreak in Doha Central Prison, and discuss whether measures to address prison overcrowding and/or protect those particularly vulnerable amongst those detained have been taken as part of the State party’s response to COVID-19.

Right to leave a country (article 12)

19. Please provide information about what steps the State party has taken, following the 2017 diplomatic crisis and subsequent changes to regional border controls, to ensure that mixed Qatari-Emirati families can reside together, including in cases where this involves individuals leaving Qatar.

Rights of refugees and asylum seekers (art. 13)

20. Please indicate whether there are plans for the State party to reform the Law Organizing Political Asylum No. 11 of 2018 on in order to remove restrictions under articles 9 and 11 to the freedom of movement and association amongst asylum seekers and refugees.

Right to a fair trial, independence of the judiciary and juvenile justice (arts. 2, 7, 9, 10, 14 and 24)

21. In the light of the fact that judges are appointed by royal decree by the Emir upon proposition of the Supreme Council of the Judiciary, please elaborate on the steps taken to ensure judicial impartiality and independence, as well as the autonomy of prosecutors. Please include information about (a) the selection criteria used for the appointment of judges and prosecutors; (b) how long the contracts for judges and prosecutors, including non-Qatari nationals, are issued for; and (c) if there is a written code of conduct for members of the judiciary within the State Party and whether the Emir has the power to dismiss judges and prosecutors in the public interest. Please also respond to reports of individuals being denied the procedural safeguards of a fair trial contrary to article 14 of the Covenant, including inadequate access to counsel, including in a language they can understand, limitations of the ability of defendants to address the courts, as well as the use of trials in absentia without adequate attempts to summon defendants.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

22. Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-
discriminatory basis. Please clarify what steps have been taken to allow construction and access to places of worship by different religions. Please provide information on the possibility of converting from one religion to another and on the criminalisation of blasphemy, apostasy and proselytizing.

**Freedom of expression, assembly and association (arts. 2, 19, 21 and 22)**

23. Please respond to reports that individuals in Qatar have been sentenced to long prison sentences for defamation and indicate whether there are any plans to reform the legal framework in order to de-criminalise defamation. Please include disaggregated information about those charged with defamation, since the ratification of the Covenant, including any journalists and human rights defenders, such as Amal Eisa.

24. Please respond to reports of severe restrictions on the freedom of expression and opinion, including in relation to the sharing of information online. In this regard, please provide specific information about the compatibility of various legal provisions, including the Press and Publications Law of 1979, Law No. 14 of 2014 Promulgating the Cybercrime Prevention Law and the 2012 Media Law, with provisions in the Covenant. Please also discuss legislation No. (2) of 2020 amending the Penal Code and respond to reports that significant custodial sentences and fines can be awarded for broadly worded and vague actions relating to the dissemination of false information.

25. Please provide a summary of how the rights to freedom of association and assembly are upheld within the State party. In this regard, please (a) clarify whether prior authorisation is needed for public events, including protests; (b) explain whether non-citizens can exercise the right to assembly freely; (c) respond to reports that all non-governmental organisations need to obtain a license from the Ministry of Social Affairs and provide information about the number of registered non-governmental organisations within the State party and how many applications for licenses from the Ministry of Social Affairs have been refused since the ratification of the Covenant; and (d) provide the number of trade unions within Qatar, and clarify whether the legal framework in place allows for union membership amongst non-citizens, government employees, and household workers.

**Rights of the child (arts. 23, 24 and 26)**

26. Please provide up to date information on the status of the process of review of the juvenile justice system within the State party. In this regard, please provide information about (a) the exact age of criminal responsibility within the State party and whether there are plans to increase this; (b) whether the death penalty, labour and flogging can be awarded to those aged between 16 and 18, and if so, whether there are plans for reform of such provisions; and (c) the status of efforts to establish a specialist children’s court, train judicial officers to work in it, explore alternatives to detention for children and put in place measures in place to ensure the provision of legal counsel to children throughout legal proceedings.

27. Please clarify the exact legal status of the use of corporal punishment against children, including whether it is prohibited in all settings, such as the home and alternative care settings. Please also indicate whether the State party intends to fully criminalise corporal punishment against children in all settings.

**Participation in public affairs (arts. 7, 14, 25 and 26)**

28. Please provide an update on the status of efforts to hold elections for 30 of the 45 Advisory Council seats every four years, as outlined in the 2003 Constitution, including when such elections are expected to be held. Please also explain why such elections have been delayed to date and elaborate on any steps that have been taken to review, amend or rescind existing laws and regulations that prevent the formation of political parties.