SHADOW REPORT

ABOUT IMPLEMENTING THE CONVENTION AGAINST-TORTURE AND OTHER FORMS OF TREATMENT OR CRUEL, INHUMAN OR HUMILIATING PUNISHMENT

HUMAN RIGHTS COMMITTEE
THE STATE OF QATAR

OCTOBER, 2012
INTRODUCTION:

The Human Rights National Committee in Qatar submits this report in parallel to the State's second report, submitted in the period from 2008 to 2012, in response to the matters list (CAT/C/QAT/Q/2) which was referred to the State party pursuant to the optional procedure of reporting (A/62/44), paragraphs 23 and 24.

This report includes two themes:

First: Legislative development related to implementing the Convention and its applications.

Second: The national committee notices about practices related to the Convention.

METHODOLOGY:

This report was made following reviewing a number of important sources, including the government report submitted to the Committee Against Torture and its periodic reports in addition to reviewing Qatari legislations, laws and regulations and practices.

FIRST THEME: LEGISLATIVE DEVELOPMENT RELATED TO IMPLEMENTING THE CONVENTION AND ITS APPLICATIONS.
**FIRST ITEM:**

Pursuant to the article 36 of the Qatari constitution and which ensures personal freedom and prohibits arrest, imprisonment, inspection, freedom restriction, torture or degrading the dignity of human being and pursuant to the recommendations of the against-torture committee the law no 8 was issued in 2010 including the replacement of the definition of torture consistent with that contained in the first article of the agreement and with the definition contained in the article 159 of the panel code no 11 of 2004.

**ARTICLES 4 AND 5:**

The aforementioned law no 8 of 2008 included adding a new article no 159 Bis that adjudicate harsh penalties to each official uses torture, incites it, agree to it or remains silent when it occurs to some one else and it made that punishable by five-year imprisonment and it doubled the penalty if the act resulted in a permanent disability to the victim and the penalty reached life imprisonment or death if this act result in the victim's death.

**ARTICLES 6, 7, 8 AND 9:**

The State of Qatar ratified, during the period covered by the report, the GCC anti-terrorism agreement which included terms of extradition consistent with the provisions contained in the agreement about these conditions.

**ARTICLE 10:**

In the training field the government and non-government agencies paid a considerable attention to organizing courses and events to promote human rights, including the National Human Rights Committee's holding courses in the human rights field for different segments of society; perhaps the most important, in relation to the Convention subject of this report, are the courses held for law enforcement officers.

The state represented in its various agencies incorporates the human rights principles, including anti-torture in various educational curriculums and it should be noted here that the
Police Training Institute includes the human rights subject in its educational curriculum and in all the courses that it organizes for police officers and members.

**ARTICLE 11:**

Given that the aim of imposing the penalties that deprives liberty is assessment not revenge, thus the law no 3 of 2009 was issued about organizing penitentiary and correctional institutions including a radical change in the conception of dealing with the residents in these institutions, one of its important manifestations is the abolition of the whipping penalty.

This law included stating the right of the Public Prosecution members to enter the penitentiary institutions with their jurisdictions, accessing to records, contacting with any prisoner and receiving complaints from him.

The aforementioned law gave the prisons director the right to commission inspectors to inspect these institutions and to submit reports in this regard to the director.

The National Human Rights Committee appreciates issuing the decision of the minister of Civil Service Affairs and Housing no 16 of 2007 which includes organizing working hours in summer due to the nature of extremely hot weather in Qatar which is undoubtedly consistent with what the agreement calls for about eliminating all forms of inhuman treatment.

The Committee refers to the welcomed step that the minister of Internal Affairs took by issuing the decision no 46 of 2008 of forming the Permanent Committee to study the cases of the detainees in Deportation Prison and which includes a member from the National Committee of Human Rights.

However, despite these pros National Committee of Human Rights still confirms the necessity of reconsidering the law no 17 of 2002 in relation to protecting society aimed at reducing the exceptional authorities granted to court officials, especially that it is a
permanent law and not an exceptional procedure like other exceptional laws in comparative legislation, which the committee fears its effect on the liberties and guarantees confirmed by the Qatari constitution. It is important to note here the Consultative Council rejection in 2011 of a bill that aims at an amendment to the aforementioned law and which allows increasing the duration of detention.

The Committee refers as well to the amendment to the law no 5 of 2003 about the State Security Service, pursuant to law no 10 of 2008, which includes the right of the Head of the Service to order to prevent the detainee from travel for thirty days that may be extended for six months by an order from the Attorney General for one period or other periods, noting that the decisions issued according to this law may not be challenged in courts which is contrary to the provisions of the agreement subject of the report.

It should be stressed here that though the provisions of law no 4 of 2009 about organizing entry and exit of expatriates, their residence and sponsorship are consistent with many of the requirements of human rights, but there are many of its provisions that should be reconsidered in the light of international agreements related to labor rights, perhaps the most important of which is allowing the expatriate worker to change place of work when not renewing his contract with his original place of work.

SECOND THEME: THE NATIONAL COMMITTEE NOTICES ABOUT PRACTICES RELATED TO THE CONVENTION:

The committee received, during the period covered by the report, several complaints related to violating the provisions of the agreement:

1- In 2009, the committee received several complaints about mistreatment in Deportation Prison, and then the committee informed the competent agencies which investigated the complaint and punished those whom ill-treatment of prisoners was proved.

2- In 2010, the Committee noticed that smoker women in the Deportation Prison were beaten up, and then the competent agencies which investigated the incident and punished those responsible for the incident, were informed.
3- In 2011, the committee received a complaint about an assault against 2 of the detainees by the State Security Service, and then the competent agencies which investigated the reported incident were reported and if the investigation proved the incident he would be punished and dismissed from the Service. The committee received a complaint from one of the detainees by Search and Follow-up Department about physical and moral abuse, and thus addressed the competent authorities to investigate the incident.

Since the members of the Human Rights National Committee, according to its law, have the right to visit government agencies to explore the human rights situation in them; thus the Human Rights National Committee made several visits to different security administrations in Qatar during the period covered by the report, as follows:
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<tr>
<th>ADMINISTRATION</th>
<th>VISIT TIMES</th>
<th>NOTICES</th>
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<tbody>
<tr>
<td>Search and Follow-up Department</td>
<td>6</td>
<td>Periodic visit</td>
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<tr>
<td>Capital Security Department and Capital Prison</td>
<td>4</td>
<td>One because of a reporting about a hunger strike by a number of prisoners due to mistreatment and a report was made about their situation then the authorities were reported about it. The other, upon Amnesty Organization’s request about a complaint submitted to it regarding prohibiting a resident from contacting his lawyer, and this turned out to be not true.</td>
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<tr>
<td>Penal and Correctional Institutions Department</td>
<td>3</td>
<td>Periodic visit</td>
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<td>Umm salal Police Station</td>
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<td>Upon a complaint from one of the residents.</td>
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<td>Al Wakra Police Station</td>
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<td>Measaieed Police Station</td>
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<td>Department of Preventive Detention in Ministry of Interior</td>
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<td>Upon a complaint from the parents of a detainee pursuant to law no 17 of 2002</td>
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<td>CID in the General Security Department in Ministry of Interior</td>
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<td>Dukhan General Security Department</td>
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<td>Umm Said Security Department</td>
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<tr>
<td>Social Welfare Department (Juvenile)</td>
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<td>Periodic visit</td>
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The Committee notices that it got a response from the government agencies to the observations it made during its visits to these agencies.

The Human Rights National Committee concluded, in cooperation with competent ad
ministries in the Qatari Ministry of Interior, with preparing the guideline of human rights standards in detention places and penitentiary and correctional institutions consistent with the provisions of constitution, national legislations and international standards for prisoners and detainees treatment.

The Committee annually visits psychiatric clinic affiliated to Hamad Medical Institution in order to get informed of the situation of psychiatric patients as the psychiatric institutions fall within monitored detention places.

The Committee confirms that monitoring of the human rights situations as well as the requests submitted to it; reveal that torture cases and harsh treatment are not systematic processes in Qatar and that they are just individual practices which judicial authorities punished those who committed them when proved.

The Human Rights National Committee note that she requested over and over issuing a law that organizes the work of one of the most categories which face torture and inhuman treatment, which is the working at home category, and despite preparing many bills to organize the work of this category, to which the committee contributed; but the committee thinks that there is a delay in issuing this law.

Summary of the Above is that there are serious steps that the State takes towards legally committing to the provisions of the agreement and avoiding shortcomings in application, and if it requires reconsideration of some of the existing legislations to be totally consistent with the provisions of the agreement subject of the report as well as monitoring individual practices violating these provisions, but it must be considered that the limited number of Qatari citizens and its subsequent shortage of national human resources the State must use of foreign cadres, despite the subsequent social effects on the Qatari society, which requires taking into consideration when putting legal rules and regulations and balancing between that and the rights of expatriate workers.