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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Qatar

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

* The present document was not edited before being sent to the United Nations translation services.

Position of the State of Qatar on the 24 recommendations set out in paragraph 85 of the report of the Working Group on the Universal Periodic Review with regard to Qatar, which Qatar was requested to consider and to respond to before the adoption by the Human Rights Council at its fourteenth session of the report on the outcome of the Universal Periodic Review

Recommendation 1

- As stated in the national report, a committee was established to consider the possibility of Qatar acceding to the two international covenants (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights); the process is subject to the completion of legislative procedures in Qatar. The State is not currently considering the possibility of acceding to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Position of the State: recommendation 1 is not accepted.

Recommendations 2 and 3

- As indicated in the national report, the State has acceded to several international and regional human rights treaties in recent years as part of its efforts to strengthen the legislative machinery for human rights.
- There is political support in Qatar for accession to several international treaties, as the State is convinced of the importance of these treaties for the promotion and protection of human rights. However, owing to a shortage of human and technical resources, it is not possible to accede to any additional treaties at the present time.
- The State's accession to a number of international treaties in a short space of time has placed considerable pressure on the legislative authorities in Qatar, given the shortage of technical and human resources.

Recommendation 4

Position of the State: recommendation 4 is not accepted.

Recommendation 5

- The State of Qatar has ratified the fundamental International Labour Organization (ILO) conventions, and a committee has been formed under the chairmanship of the Ministry of Labour, with members representing a number of governmental organizations, to review various ILO conventions, including the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100).

- With regard to the ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98), this right is currently regulated under the Labour Code.

Position of the State: recommendation 5 is not accepted.

Recommendation 6

- As stated in the national report, in the past few years Qatar has instituted a policy on general reservations which has resulted in the State reviewing its general reservations to the human rights treaties to which it is a party.
- The State withdrew its general reservation to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and partially withdrew its general reservation to the Convention on the Rights of the Child concerning any provisions that are incompatible with the Islamic sharia, applying it only to articles 2 and 14 of the Convention.
- The competent authorities in Qatar are considering the possibility of withdrawing Qatar's general reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and replacing it with a partial reservation. Moreover, when the State acceded to the Convention on the Elimination of All Forms of Discrimination against Women, it decided to forgo entirely the practice of entering general reservations and instead to confine its reservations to specific articles of the Convention and to provide an accompanying statement of reasons.

Position of the State: recommendation 6 is not accepted.

Recommendation 7

- The distinguished Cabinet, at its third ordinary meeting of 2009 held on 21 January 2009, approved the inclusion in the Qatari Criminal Code of a definition of torture which is consistent with the definition in article 1 of the Convention against Torture

Position of the State: recommendation 7 is being implemented.

Recommendation 8

Position of the State: recommendation 8 is not accepted.

Recommendations 9 and 10

Position of the State: recommendations 9 and 10 are accepted.

Recommendations 11 and 12

Position of the State: recommendations 11 and 12 are not accepted.

Recommendation 13

Position of the State: recommendation 13 has been put into effect.

Recommendation 14

Position of the State: recommendation 14 has been put into effect.

Recommendation 15

- The State accepts the part of the recommendation concerning the adoption of a national plan against gender-based violence, as it is consistent with the State's strategy on this issue. As for identifying and remedying those areas in the national legislation that might be discriminatory, including family laws, this part of the recommendation has already been put into effect.
- With regard to family law and procedures relating to the authority of guardians over women, the State rejects this part of the recommendation, as it is incompatible with the Islamic sharia, which is the primary source of legislation. Moreover, Qatar entered a reservation to article 16, paragraph 1 (f), of the Convention on the Elimination of All Forms of Discrimination against Women, which deals with the same subject.

Position of the State: recommendation 15 is not accepted.

Recommendation 16

- Under article 7 of the Qatari Juveniles Act No. 1 of 1994 the age of criminal responsibility is 7 full years. Reduced measures and penalties are imposed on offenders under the age of 14 years. The age of criminal responsibility essentially is determined by criminal sentencing policy, based on considerations which have to do with the distinctive characteristics of Qatari society. This is consistent with the norms of international law embodied in the Convention on the Rights of the Child of 1989, which entered into effect in 1990, in particular article 1 thereof, which, while recognizing that the age of criminal responsibility begins at 18 years, nevertheless allows States parties the freedom to determine the age of discretion in accordance with their domestic laws.

Position of the State: recommendation 16 is not accepted.

Recommendation 17

Position of the State: recommendation 17 has been put into effect.

Recommendation 18

Position of the State: recommendation 18 is accepted.

Recommendation 19

Position of the State: recommendation 19 has been put into effect.

Recommendations 20 and 21

Position of the State: recommendations 20 and 21 have been put into effect.

Recommendation 22

There is a comprehensive body of legislation which is capable of protecting migrant workers from exploitation and is actually put into effect. The most important laws in this regard are the following:

- Act No. 1 of 1994, concerning juveniles
- Act No. 11 of 2004, concerning the issuance of the Criminal Code
- Act No. 38 of 2005, concerning nationality
- Act No. 22 of 2005, concerning the prohibition on the recruitment, employment, training and involvement of children in camel racing
- Act No. 4 of 2009, concerning the regulation of the entry, departure and sponsorship of migrant workers
- President of the Supreme Council for Family Affairs Decision No. 1 of 2008, concerning the articles of agreement of the Qatari Foundation to Combat Human Trafficking

Position of the State: recommendation 22 is not accepted.

Recommendation 23

- Act No. 4 of 2009, concerning the regulation of the entry, departure, stay and sponsorship of migrant workers, contains important modifications to the sponsorship system which favour migrant workers. Article 12 of the Act states: “The Minister or his representative may temporarily transfer sponsorship of a migrant worker where there is a legal case in progress between the sponsor and the migrant worker. The Minister or his representative may furthermore authorize transfer of sponsorship of a migrant worker to another employer, if the original sponsor is found to have subjected the worker to arbitrary treatment or if this measure is dictated by public interest. On the same grounds, the Minister or his representative, at the request of the worker and with the approval of the Minister of Labour, may transfer sponsorship of a migrant worker not subject to the Labour Code to a different employer.” Hence, this part of the recommendation has been put into effect.
- With regard to the abolition of the requirement that employers give their consent before exit permits are issued for foreign employees, the State cannot accept this part of the recommendation, since the condition on consent does not prevent workers from resorting to the alternative procedures for leaving the country set out in article 18 of Act No. 4 of 2009.

Position of the State: recommendation is not accepted.

Recommendation 24

Position of the State: recommendation 24 has been put into effect.
