

Qatar

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 12 October 2012



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/qatar>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

5 stakeholders' reports were submitted for the UPR. 3 NGOs were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

3 NGOs responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI responded to our enquiry either.

IRI: 5 recommendations are not implemented, 2 recommendations are partially implemented, and 2 recommendations are fully implemented. No answer was received for 102 out of 112 recommendations.



2. Feedbacks on recommendations

CP Rights

Recommendation n°27: *Continue its civilized choice aimed at strengthening dialogue among religions and spreading the values of moderation and tolerance (Recommended by Tunisia)*

IRI: -

Tandem Project (TP) response:

U.S. Department of State 2011 Religious Freedom Report - Converting to another religion from Islam is considered apostasy and technically a capital offense; however, since the country gained independence in 1971, there has been no recorded punishment for apostasy.

Indigenous & Minorities

Recommendation n°5: *Bring the 2004 Law No 2 on persons with special needs into line with the Convention on the Rights of Persons with Disabilities (Recommended by Russian Federation)*

IRI: *partially implemented*

National Human Rights Committee Qatar (NHRCQ) response:

Law no 2 for 2004 on Persons with Special Needs, the Supreme Council for Family Affairs has issued 15 Ministerial Degrees to ensure Rights of Persons with Disabilities. The Supreme Council for Family Affairs working Group consist of legal experts and they have worked on six ministerial degrees. According to the International Agreement for people with disability, those ministerial degrees are providing the right for housing, people with disability in health, work, education, housing and sports. The six ministerial degrees is in the process of approval by the Ministerial Council.

Recommendation n°65: *Continue to strengthen measures to protect and promote the welfare and human rights of all expatriate workers in Qatar, especially women domestic workers (Recommended by Philippines)*

IRI: *fully implemented*

NHRCQ response:

There was a law for Domestic workers and it was approved by the Shoura Council. The National Human Rights Committee of Qatar encouraged the government to urgently issue this law. This law is under process.



International Instruments

Recommendation n°14: *Consider ratifying two core United Nations human rights instruments, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Recommended by Slovenia)*

IRI: *not implemented*

NHRCQ response:

Till date the State of Qatar has not signed or ratified these two covenants. It has come to the knowledge of the National Human Rights Committee of Qatar that the Council Ministry has appointed a committee to study the possibilities or alternatives for Qatar to join these two covenants. The Committee of the Council Ministry has not yet announced any information or results regarding the same. The National Human Rights Committee of Qatar encouraged the State of Qatar to include those Covenants in their Annual Report.

Justice

Recommendation n°80: *Further intensify its efforts to combat human trafficking (Recommended by Azerbaijan)*

IRI: *fully implemented*

NHRCQ response:

Qatar's Emir has signed off on the Country's First Law against Human Trafficking designed to protect vulnerable segments of the population, including women, children and migrant workers. Under the law those found guilty of kidnapping, child abuse and enslavement could face up to 15 years in jail and a fine up to 300,000. Qatar Law no 15 of 2011 criminalised trafficking in all its forms and patterns. Qatar Foundation to combat human trafficking mainly aims at the co-ordination and integration of efforts to protect victims. This provides the necessary services to the victims including legal, medical and social services, accommodation and rehabilitation of victims are provided to ensure that they the right to safe voluntary return.

Recommendation n°85: *Include in its national legislation the concept of torture as defined in article 1 of the Convention against Torture, and to enact legislation to abolish all types of corporal punishment and other forms of cruel, inhumane or degrading treatment (Recommended by Mexico)*

IRI: *not implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

In 2009, a Children's Bill was under discussion: we have been unable to examine the text of the Bill or to ascertain whether or not it has been enacted. However, to achieve prohibition of corporal punishment of children, the law in Qatar would need to



enact legislation to explicitly prohibit corporal punishment in the home, in schools and in alternative care settings; it would also need to ensure that children convicted of Hudud or Qisas offence may not be sentenced to corporal punishment under Sharia law. To our knowledge, no such law reform has been achieved.

SOGI

Recommendation n^o71: *Ensure that LGBT persons are not discriminated against and, as an immediate step, to amend the provisions of the penal code criminalizing consensual sexual activity among persons of the same sex and to ensure that no one is punished for such activity under Sharia law (Recommended by Sweden)*

IRI: *not implemented*

International Lesbian and Gay Association (ILGA) response:

The recommendation was rejected by Qatar during the formal adoption of the report.

As of August 2012 the legal situation remains unchanged in Qatar

The penal code quotes:

The Penal Code (Act No. 11 of 2004)

Sexual acts with a female over the age of 16 are prohibited by article 281, while sexual acts with a male are prohibited by article 284. The penalty is up to seven years imprisonment for both female and male acts.

Along with the civil Penal Code also Islamic Sharia law is in force in Qatar, although only applicable to Muslims. The offence of “Zina” makes any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punished by flogging – both offences no matter if they were heterosexual or homosexual.

Women & Children

Recommendation n^o8: *Consider abolishing the death penalty and corporal punishment, in particular against children (Recommended by Brazil)*

IRI: *not implemented*

GIEACPC response:

In 2009, a Children's Bill was under discussion: we have been unable to examine the text of the Bill or to ascertain whether or not it has been enacted. However, to achieve prohibition of corporal punishment of children, the law in Qatar would need to enact legislation to explicitly prohibit corporal punishment in the home, in schools and in alternative care settings; it would also need to ensure that children convicted of Hudud or Qisas offence may not be sentenced to corporal punishment under Sharia law. To our knowledge, no such law reform has been achieved.



Recommendation n°60: *Continue to promote women's rights and empowerment, with a view to further enhancing their participation in economic and political life* (Recommended by *Philippines*)

IRI: *partially implemented*

NHRCQ response:

There was a lot of recommendation on women for participation in society and to ensure that their civil, political and economic rights are safeguarded and to enhance and develop women's capacity. The National Human Rights Committee of Qatar is monitoring the results of the big efforts that Qatar has made through the last 15 years to enhance women's situation. The NHRC of Qatar has made an effort to participate with the Arab-European dialogue and there was a program to monitor woman's access to the legal system in Qatar and the National Human Rights Committee of Qatar had another project with the High Commissioner of Human Rights to design a questionnaire aims to measure "Trends in Qatar Society" with regard to women's rights, work and culture.

Recommendation n°93: *Prohibit all forms of corporal punishment against children, both boys and girls* (Recommended by *Chile*)

IRI: *not implemented*

GIEACPC response:

In 2009, a Children's Bill was under discussion: we have been unable to examine the text of the Bill or to ascertain whether or not it has been enacted. However, to achieve prohibition of corporal punishment of children, the law in Qatar would need to enact legislation to explicitly prohibit corporal punishment in the home, in schools and in alternative care settings; it would also need to ensure that children convicted of Hudud or Qisas offence may not be sentenced to corporal punishment under Sharia law. To our knowledge, no such law reform has been achieved.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

| Percentage: | Implementation level: |
|-------------|-----------------------|
| 0 – 0.32 | Not implemented |
| 0.33 – 0.65 | Partially implemented |
| 0.66 – 1 | Fully implemented |

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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