Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Qatar - 7th Session - 2010
8th February, 10am to 1pm

National Report
4.6.3. The Qatari Foundation for the Protection of Women and Children was established under Act No. 8 of 1998 on private associations and institutions as a private foundation to protect children and women. It was subsequently converted to a private institution of public benefit by Supreme Council for Family Affairs decision No. 4 of 2007. Its broad aim is to protect target groups subjected to violence in the family and society.

In particular, the Foundation aims to:
• Assist in the provision of accommodation for target groups and provide them with integrated care
• Protect target groups from deviant practices in the family and society
• Raise awareness of social and legal aspects of human rights among target groups, the family and the community
• Provide legal assistance to those without means in the target groups
• Assist and rehabilitate victims of violence in the target groups and reintegration them into society

The Foundation provides social services such as information and guidance, in addition to a full range of reintegration and rehabilitation services and programmes for victims of abuse and violence. It also provides legal services, such as legal assistance, and mental health services, such as testing and treatment with cognitive-behavioural and support-group psychotherapy as necessary.

The Foundation has established a number of facilities such as the Dar al-Aman al-Qatariyyah, a shelter for homeless women and children victims of abuse and violence, for a certain period until their situation is resolved. It is also involved in the psychological and social rehabilitation of individual cases. From October 2007 to April 2009, the Foundation received 24 children and 26 women at the shelter. The Foundation has an office in the accident and emergency department at Hamad General Hospital to provide support, care and protection for women and children victims of abuse and violence; during 2008, it received 17 children and 180 women.

With regard to training, the Foundation has organized a number of seminars, workshops and courses for those working in the education, health and security sectors. It has also organized and implemented a number of awareness and education campaigns to promote a culture of protection in society, raised awareness of the Foundation and hotlines that it has set up and published numerous booklets, pamphlets and publications, such as the magazine Aman.

5.3 Action against trafficking in human beings:

In recent years, Qatar has made considerable efforts at the institutional and legislative levels to combat trafficking in human beings and has sought to raise awareness of the issue. These efforts should be considered in the context of Qatar’s general efforts to promote and protect human rights.

Qatar has sought to develop and strengthen its legislative framework in order to combat trafficking in persons. In that context, the Qatar Criminal Code of 2004 makes criminal offences of various acts that amount to trafficking in human beings, as recognized internationally, such as sexual exploitation, prostitution, slavery, slavery-like practices and forced labour. It should be noted that the Code acknowledges international jurisdiction over criminal trafficking in drugs or persons, piracy and international terrorism.

The Labour Code of 2004 reinforces and complements the Criminal Code, covering a number of matters relating to the organization of work, guaranteeing workers’ rights and prohibiting the employment of young persons and women in hazardous work.
was in place.27

2009 noted the establishment in 2005 of the Qatari House for Lodging and Human Care, which provides victims of abuse and
8. CRC in 2006,24 the Special Rapporteur on trafficking in persons, especially in women and children in 2007, 25 and UNICEF in
particular articles 9, paragraph 2 and 16, paragraph 1(f).13 It strongly encouraged Qatar to review its reservations with a view to
and 14 (freedom of thought, conscience and religion). It also expressed concern at a number of reservations entered to CEDAW, in
Criminal Court.12

3. In 2009, while welcoming the information that Qatar withdrew the general reservation entered under the OP-CRC-SC, CRC regretted
that Qatar made a partial withdrawal to its general reservation to the Convention CRC by narrowing it to articles 2 (non-discrimination)
and 14 (freedom of thought, conscience and religion). It also expressed concern at a number of reservations entered to CEDAW, in
particular articles 9, paragraph 2 and 16, paragraph 1(f).13 It strongly encouraged Qatar to review its reservations with a view to
withdrawing them.14

8. CRC in 2006,24 the Special Rapporteur on trafficking in persons, especially in women and children in 2007, 25 and UNICEF in
200926 noted the establishment in 2005 of the Qatari House for Lodging and Human Care, which provides victims of abuse and
trafficking with social, legal, medical and psychological assistance, and defers sometimes cases to the police, the courts and the Director
of the Human Rights Unit in the Ministry of Interior. The Special Rapporteur regretted that no system for identifying trafficked persons
was in place.27

Act No. 22 of 2005 prohibiting the recruitment, employment, training and involvement of children in camel racing was promulgated as
part of Qatar’s continuing efforts at the legislative level. Qatar has also acceded to the United Nations Convention against Transnational
Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in addition
to the ILO conventions on forced labour. Moreover, the relevant national authorities are studying a bill against trafficking in human
beings and a bill on domestic employees, in the context of promoting and strengthening the legislative framework.

Qatar’s concern with combating trafficking in human beings is evident in the fact that it has established a number of institutions to
combat trafficking and to provide welfare and shelter for victims. Foremost among these is the Qatar Foundation to Combat Human
Trafficking (formerly the National Office to Combat Human Trafficking), which was established in 2005.

The Foundation aims to propose policies, develop national action plans and implement anti-trafficking legislation, in addition to
supervising the Qatari Shelter and Humanitarian Welfare Home, established in 2003 by decision of the Council of Ministers to provide
assistance and protection to victims of trafficking and endeavour to rehabilitate and reintegrate them into society.

The Qatar Foundation to Combat Human Trafficking organizes public information and awareness campaigns throughout the year in
order to reinforce the developments described above, using advocacy, the media and capacity-building. The awareness campaigns cover
the concept and actual cases of trafficking and target all sectors of society. The Foundation has also issued a number of publications and
organizes press, television and radio interviews.

Qatar’s record of action against trafficking in human beings is set apart by the fact that although its experience is recent, in that a
national strategy for combating trafficking was first approved in 2003, there has been political will at the highest levels to take action.
That has been combined with the pivotal role played by the Qatar Foundation to Combat Human Trafficking in building bridges of
cooperation and coordination with all the government agencies and civil society organizations concerned. In addition, Qatar has
participated actively in regional and international forums and conferences on the subject.

In this regard it should be noted that Qatar participated in the Ministerial Consultation on Overseas Employment and Contractual Labour
for Countries of Origin and Destination in Asia (Abu Dhabi Dialogue), held in Abu Dhabi on 21 and 22 January 2008, which
emphasized the importance of cooperation between all partners in countries of origin and destination, and the need to pay attention to the
core issues relevant to contractual labour and secure the necessary protection at all stages of a temporary contractual cycle. It also
participated in the Global Forum to Fight Human Trafficking, held in Vienna from 13 to 15 February 2008. It should also be noted that
the Qatar Foundation to Combat Human Trafficking organized the first world conference on the issue, entitled “Human Trafficking:
Between Theory and Practice”, with the sub-theme “Towards deeper awareness of the problem of human trafficking”. The conference
was held in Doha from 12 to 13 March 2008 and resulted in key recommendations on combating human trafficking.

6.1 Education and the integration of human rights in educational curricula:

In order to achieve that, article 25 of the Constitution of Qatar provides that “Education is one of the fundamental pillars of social
progress. The State shall ensure, foster and endeavour to spread it.” Article 49 also provides that “All citizens have the right to education
and the State shall endeavour to make education compulsory in accordance with the applicable laws and regulations of the State.”

In addition, Act No. 25 of 2001 on compulsory education makes education compulsory and free for all children from the start of the
primary stage to the end of the secondary stage or 18 years of age, whichever comes first. The Ministry is required to make available the
necessary requirements for that purpose.

As a member of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Qatar is committed to all UNESCO
decisions and recommendations including its decisions relating to the Education for All movement and the six goals. Therefore, the
National Plan for Education for All was developed in 2003; progress made was assessed in 2007.

Furthermore, Qatar is keen to promote universal (comprehensive) education that includes all pupils without discrimination on the basis
of sex, race, religion or other grounds.

UN Compilation

2. In 2007 and 2009, the Committee on the Rights of the Child (CRC) recommended that Qatar consider acceding to the 1951
Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the
1961 Convention on the Reduction of Statelessness.9 It also recommended that Qatar ratify or accede to all core international human
rights instruments, including ICESCR, ICCPR, ICRMW, CED,10 the Palermo Protocol 11 and the Rome Statute of the International
Criminal Court.12

3. In 2009, while welcoming the information that Qatar withdrew the general reservation entered under the OP-CRC-SC, CRC regretted
that Qatar made a partial withdrawal to its general reservation to the Convention CRC by narrowing it to articles 2 (non-discrimination)
and 14 (freedom of thought, conscience and religion). It also expressed concern at a number of reservations entered to CEDAW, in
particular articles 9, paragraph 2 and 16, paragraph 1(f).13 It strongly encouraged Qatar to review its reservations with a view to
withdrawing them.14
9. In 2005, Qatar adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system. The Ministry of Education indicated that teaching human rights has been incorporated into school curricula at primary, preparatory and secondary levels in a variety of forms, and that a programme has been developed for dissemination of human rights culture and awareness of CRC.29

13. In 2009, CRC expressed concern about some provisions of the Family Act and the Nationality Act which perpetuate discrimination against women and girls. Discrimination against children born out of wedlock and children of migrant workers was also an issue of particular concern to CRC.41 It recommended that Qatar adopt a proactive and comprehensive strategy to eliminate de jure and de facto discrimination on any grounds and against all children, paying particular attention to girls, children with disabilities, children born out of wedlock and children of migrant workers.42 It also reiterated its concern that the Nationality Act does not confer de jure citizenship on children of Qatari women married to non-nationals.43

14. In 2009, UNICEF highlighted that Qatar has made considerable progress in achieving gender equality at various educational levels. However, women’s participation in the labour market and politics still requires intensive efforts to bridge the gap between men and women.44 Also in 2009, the ILO Committee of Experts recalled that stereotyped assumptions regarding women’s capabilities and “suitability” for certain jobs contribute to discrimination in hiring. It urged the Government to take more proactive measures to address discriminatory advertising and hiring practices, such as awareness raising to eliminate stereotyped assumptions by employers of women’s and men’s suitability for certain jobs.45

20. In 2009, CRC urged Qatar to review its legislation critically with a view to preventing and ending the use of corporal punishment of children as a method of discipline, and introducing explicit legislation prohibiting all forms of corporal punishment of children in all settings, including in the family, schools, penal system and alternative care settings.52

27. In 2009, CRC noted the steps undertaken by Qatar in combating human trafficking, including through the establishment in 2005 of the National Office to Combat Human Trafficking and the Qatar House for Lodging and Human Care.62 It recommended that Qatar inter alia strengthen its procedures for the early-identification of child victims of trafficking; and seek to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale, trafficking and abduction of children.63

28. CRC also recommended that Qatar: strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation; take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children; ensure that child victims of sexual exploitation or abuse have access to free, child sensitive complaints mechanisms and are not criminalized or penalized;64 and consider launching a national communication strategy to combat all types of sexual exploitation of children.65

29. CRC in 2006 66 and the Special Rapporteur on trafficking in 2007 67 welcomed Law on Banning the Employment, Training and Participation of Children in Camel Racing (Law No. 22 of 23 May 2005), which prohibits the recruitment, employment, training and participation of children below 18 in camel racing. Also in 2007, the ILO Committee of Experts noted that Qatar had adopted a number of measures aimed at assisting former child camel jockeys and providing them with medical treatment for poor health or injuries sustained before returning them to their country.68 However, the Special Rapporteur on trafficking remained concerned about reports that despite repatriation of a large number of children, some were retained as to work as farm workers in difficult conditions.69 In 2006, CRC recommended that Qatar continue and strengthen efforts to provide adequate recovery assistance and social reintegration services for all children who are or will be victimized by being used as camel jockeys;70 continue to repatriate these children and take all necessary measures to reunite them with their families when in their best interests;71 carry out regular unannounced inspections in camel races, and ensure that all persons responsible for trafficking and employing children as camel jockeys, are prosecuted for offences enumerated in OP-CRC-SC.72

30. In 2009, CRC appreciated the efforts undertaken by Qatar to prohibit the use of child labour in the formal sector but regretted the limited information on child labour in the informal sector, for example small family businesses.73 It recommended that Qatar continue to take effective measures to prohibit the economic exploitation of children, in particular in the informal sector by designing special programmes aimed at combating child labour; and strengthen the labour inspectorate to monitor the extent of child labour, including unregulated work.74

33. In 2009, CRC reiterated its previous concern that the minimum age of criminal responsibility still set at seven years remains far too low. It was also concerned that the right of the child to be heard in criminal proceedings may not always be observed. It was further concerned that children between the ages of 16 and 18 may be treated as adults.78 It urged Qatar to ensure that juvenile justice standards are fully implemented, in particular: raise the age of criminal responsibility to a minimum of 12 years; provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings and ensure that children are held separately from adults both in pre-trial detention and after being sentenced; take all necessary measures, including strengthening the policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible; ensure that children between the ages of 16 and 18 are afforded the same protection as other children; strengthen training programmes on relevant international standards for all professionals working with the juvenile justice system.79

35. In 2009, CRC recommended that Qatar rectify the disparity in the minimum age of marriage for boys and girls by raising the minimum age of marriage for girls to 18 years.82 It encouraged Qatar to strengthen its awareness raising efforts aimed at girl children, their parents and communities on the many negative consequences of early marriage and other traditional practices harmful to the health, well-being and development of children.83

37. In 2009, CRC noted that the role and cooperation with civil society organizations needed to be strengthened. It recommended inter alia that Qatar continue to strengthen its cooperation with foundations and civil society organizations and involve them systematically at
all stages in the implementation of the Convention as well as in policy formulation.

42. In 2009, CRC welcomed efforts made by Qatar to protect the health of adolescents and promote healthy life styles. However, it was concerned at the emerging trends in obesity, psychological and mental health problems. It took note of the very low HIV/AIDS prevalence and welcomed Qatar’s efforts to raise general awareness of HIV/AIDS among adolescents. However, it noted with concern that adolescents know little about other sexually transmitted infections.

47. In 2006, CRC expressed concern at the situation and vulnerability of migrant workers’ children. It recommended that Qatar take special measures to address the situation of vulnerable groups of children, such as the children of migrant workers, who are at particular risk of being victims of multiple forms of exploitation.

53. In 2006 and 2009, CRC encouraged Qatar to seek technical assistance from ILO and UNICEF on economic exploitation of children, from among others UNICEF on camel child jockeys; and from the United Nations Interagency Panel on Juvenile Justice which includes UNODC, UNICEF, OHCHR and NGOs, on juvenile justice.

Stakeholder Compilation

5. Al Karama indicated that child trafficking is prohibited by Law No. 22 promulgated in 2005.

13. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment is lawful in the home and that children have limited protection from violence under the Criminal Code, the Code of Criminal Procedure and the Constitution. It added that a Ministerial Decree (1993) states that corporal punishment should not be used in schools, but there is no explicit prohibition in legislation.

14. GIEACPC noted that in the penal system, corporal punishment is lawful as a sentence for crime and that under the Juveniles Act, flogging is prohibited for juveniles aged 15 years (article 19) but young persons aged 16 and 17 years are treated as adults and can be sentenced to flogging, stoning and amputation under the Criminal Code. It indicated that corporal punishment is also lawful as a disciplinary measure in penal institutions, where the Prisons Act allows for flogging of prisoners (up to 20 lashes of the whip) and that there is no explicit prohibition of corporal punishment in alternative care settings.

15. GIEACPC stated that following examination of Qatar’s initial report in 2001, the Committee on the Rights of the Child recommended prohibition of flogging and other cruel, inhuman or degrading punishment of children in conflict with the law and also recommended prohibition of corporal punishment in the family and in institutions, and that measures be taken to effectively address corporal punishment in schools. GIEACPC reported that in 2006, in its concluding observations on Qatar’s initial report, the Committee against Torture recommended abolition of flogging and stoning under the Criminal Code.

16. GIEACPC hoped that the UPR will highlight the importance of prohibition of corporal punishment of children, and strongly recommended that the Government introduce legislation as a matter of urgency, to prohibit all corporal punishment of children in the home, schools, penal institutions and alternative care settings, and as a sentence of the courts.

Final Report and Conclusion - To follow