

Inhuman sentencing of children in Qatar

Briefing for the Committee on the Rights of the Child's 74th Pre-Sessional Working Group in June 2016. Submitted by the Child Rights International Network (CRIN) (www.crin.org), February 2016.

CRIN's campaign against inhuman sentencing of children

With partners, CRIN is campaigning to end the death penalty, life imprisonment and corporal punishment of children around the world. CRIN has developed detailed country reports on the States which still authorise the inhuman sentencing of children and is making submissions about these countries to the relevant UN human rights mechanisms. We hope the Committee on the Rights of the Child will consider the information provided below during its review of these States.

Inhuman sentencing of children in Qatar

Life imprisonment is a lawful penalty for offences committed by children aged 16 or older. The death penalty and corporal punishment are prohibited under criminal legislation, but appear to remain lawful under *Sharia* law for offences committed while under the age of 18.

The main laws governing juvenile justice are the Juvenile Act 1994, the Criminal Code 2004 and the Criminal Procedure Code 2004. *Sharia* laws apply to certain criminal cases when the victim or the alleged offender is a Muslim.¹

Children can be held criminally responsible from the age of seven.² Any person under the age of 16 is subject to the Juveniles Law³ and a "juvenile" is defined as any male or female who is older than seven but under 16 years of age.⁴ Under *Sharia* law people typically become liable for punishments at the onset of puberty.⁵

The legality of inhuman sentencing

Life imprisonment

Under the Juvenile Act, people under the age of 16 sentenced for an offence punishable with life imprisonment must be sentenced to imprisonment for up to 10 years.⁶ Persons aged 16 or 17 are liable to sentencing under the Criminal Code, which provides for life imprisonment

¹ Law No. 11 of 2004, the Penal Code, Article 1. Available at: <http://portal.www.gov.qa/wps/wcm/connect/8abaea8046be1deaae97ef70b3652ad8/Penal+Code.pdf?MOD=AJPERES&useDefaultText=0&useDefaultDesc=0>. Relevant offences include theft, adultery, defamation, drinking alcohol, apostasy, retaliation cases and blood money cases.

² Law No. 11 of 2004, the Penal Code, Article 53; Law No. 1 of 1994, the Juvenile Law, Article 7.

³ Law No. 11 of 2004, the Penal Code, Article 20.

⁴ Law No. 1 of 1994, the Juvenile Law, Article 1(1). Available in Arabic at:

<http://www.gcc-legal.com/LawAsPDF.aspx?opt&country=3&LawID=2880>.

⁵ Cipriani, *Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective*, Farnham: Ashgate, 2009.

⁶ Juvenile Act, Article 19.

or “perpetual imprisonment” for a number of offences.⁷ Any person serving life imprisonment may be released subject to conditions under the Law of Organising Prisons. A person serving life imprisonment must serve a minimum of 20 years’ imprisonment before being considered for conditional release.⁸

Death penalty

Under the Juvenile Act, children aged over 14 but under 16 who have committed a serious or major offence cannot be sentenced to death, imprisonment with hard labour or flogging. Where the penalty would otherwise be death or life imprisonment, the child must be sentenced for up to 10 years’ imprisonment.⁹

The Penal Code provides for the death penalty for a number of offences¹⁰ but states that a person under the age of 18 at the time of the offence cannot be sentenced to death.¹¹ However, the Penal Code does not apply to retaliation offences when the alleged offender is Muslim.¹² As murder committed by a Muslim is a retaliation offence, it is likely that the death penalty remains a penalty under *Sharia* law and would be subject to *Sharia* provisions rather than those of the Penal Code.

Where the death penalty is imposed on a pregnant woman under *Sharia* law, it is delayed until after delivery in the case of a retaliatory or *hadd* punishment and in the case of *ta’zir* (discretionary) punishment, it is commuted for two years or commuted to life imprisonment.¹³

The procedure for carrying out an execution is set out in the Law Regulating Prisons.¹⁴

Corporal punishment

The Juveniles Act 1994 explicitly prohibits flogging of children under the age of 16.¹⁵ Persons aged 16 and 17 are subject to penalties under the Penal Code, which do not include corporal punishment. However, certain offences committed by and against Muslims are punishable under *Sharia* law and relevant penalties include flogging and amputation.¹⁶

Inhuman sentencing in practice

⁷ Law No. 11 of 2004, the Penal Code, Articles 22, 29, 46, 57, 60, 92, 104, 105, 107, 111, 113, 114, 133, 135, 136, 159, 198, 220, 235, 244, 245, 250, 279, 280, 281, 282, 284, 285, 286, 287, 288, 302, 318, 335 and 352.

⁸ Law No. 3 of 1995, regulating prisons, Article 61. Available at: <http://www.almeezan.qa/LawPage.aspx?id=303&language=en>.

⁹ Law No. 1 of 1994, the Juvenile Law, Article 19.

¹⁰ See articles 22, 29, 46, 57, 58, 59, 89, 92, 98, 99, 100, 101, 102, 103, 105, 107, 110, 111, 114, 118, 130, 131, 132, 135, 159, 173, 177, 198, 199, 200, 235, 244, 245, 250, 252, 279, 280, 283, 284, 300, 302, 318 and 352. Other laws providing for the death penalty include the Law on Combating Terrorism 2004.

¹¹ Law 11 of 2004, the Penal Code, Article 20.

¹² Law No. 11 of 2004, the Penal Code, Article 1.

¹³ Code of Criminal Procedure, Article 345.

¹⁴ Law No. 3 of 1995, regulating prisons. See Articles 30 to 35.

¹⁵ Law No. 1 of 1994, Juvenile Act, Article 19.

¹⁶ See Global Initiative to End All Corporal Punishment of Children, Country report for Qatar, January 2016. Available at: <http://www.endcorporalpunishment.org/progress/country-reports/qatar.html>.

Executions in Qatar are rare, though Amnesty International estimates that as of 2009, 20 people were under sentences of death.¹⁷ CRIN has found no evidence that any of those sentenced to death were under the age of 18 at the time of the relevant offence. The most recent reported execution took place on 10 March 2003.¹⁸

CRIN has not been able to access statistical information on the number of people sentenced to life imprisonment or corporal punishment for offences committed while under the age of 18.

Qatar's review by the Committee on the Rights of the Child

In light of the clear international human rights consensus against the imposition of the death penalty, life imprisonment and corporal punishment for children, and previous recommendations made by the Committee on the Rights of the Child,¹⁹ the Committee Against Torture²⁰ and during the Universal Periodic Review,²¹ we urge the Committee to recommend that Qatar:

- Enact and enforce legislation to explicitly prohibit the death penalty, life imprisonment and corporal punishment under all forms of law, including *Sharia*;
- Review the sentences of people sentenced to life imprisonment for an offence committed while under the age of 18;
- Raise the minimum age of criminal responsibility;
- Collect and provide disaggregated data about sentences handed down to children, including gender, age at the time the offence was committed, age at the time of sentencing and how long was spent in detention;

For more information, see CRIN's country report, available online at: www.crin.org/node/30445.

¹⁷ Amnesty International, Qatar: Submission to the UN Universal Periodic Review, p. 3, February 2010. Available at: <https://www.amnesty.org/en/documents/mde22/001/2009/en/>.

¹⁸ Hands Off Cain, Murder, offences against the state, drug offences and terrorism are capital crimes, 1 January 2008. Available at: <http://www.handsoffcain.info/news/index.php?iddocumento=10001822>.

¹⁹ 14 October 2009, CRC/C/QAT/CO/2, Concluding observations on second periodic report of Qatar, paras. 39, 40, 70 and 71; 6 November 2001, CRC/C/15/Add.163, Concluding observations on initial report of Qatar, paras. 37, 38, 43, 44, 59 and 60.

²⁰ 25 January 2013, CAT/C/QAT/CO/2, Concluding Observations on the second periodic report of Qatar, paras. 12 and 22; 25 July 2006, CAT/C/QAT/CO/1, Concluding observations on initial report of Qatar, para. 12.

²¹ During the first cycle of the Universal Periodic Review in 2010, the government accepted recommendations "to enact legislation to abolish all types of corporal punishment and other forms of cruel, inhumane or degrading treatment" and to prohibit all forms of corporal punishment against children" from Mexico and Chile. The government rejected a recommendation from Brazil "[t]o consider abolishing the death penalty and corporal punishment, in particular against children". For full details, see Report of the Working Group on the Universal Periodic Review: Qatar, A/HRC/14/2, 15 March 2010 and A/HRC/14/2/Add.1.