

## Unofficial translation

### **Remarks and comments of the State of Qatar on the report of the Working Group on Arbitrary Detention based on its visit to the State of Qatar during the period from 3 to 14 November 2019**

#### **Introduction:**

The State of Qatar thanks the Working Group on Arbitrary Detention for its first visit to the State of Qatar during the period from 3 to 14 November 2019 within its mandate on arbitrary detention.

The State of Qatar cares about paid great attention to the constructive discussions held by the Working Group during the period of the visit, which the State of Qatar considers an important opportunity to review the achievements that have been made as well as the challenges it faces in this regard.

We also remain firm in our support of the work of the experts of special procedures by extending to which we have extended an open invitation to them since 2010, and in our appreciation of the important and effective role that they play in helping member States fulfill their human rights obligations.

Moreover, the State of Qatar thanks the Working Group for sending the report and providing the opportunity to allow the State to comment on and respond to the report's findings. We also value the tribute paid in the report to constitutional and legal guarantees for the praising in the report the provision by the state for the protection from arbitrary detention.

On the other hand, and with regard to Qatari citizens who are arbitrarily detained on the basis of their Qatari nationality by the Saudi authorities as a result of the blockade imposed on the State of Qatar since June 5, 2017, we regret that the working group did not meet, during its visit to the state, with the families of these detained victims, to assess the impact of their children's detention on them, and on their rights that were violated as a result of this arbitrary detention of their children, especially as this falls within the jurisdiction of the Working Group and the terms of reference of the visit.

The State of Qatar took note of the recommendations of the Working Group, and is pleased to indicate that work is already underway to implement a number of these recommendations regarding harmonization of the minimum age of criminal responsibility with the provisions of the Child Convention, the Memorandum of

Understanding between Hamad Medical Corporation and the Ministry of Interior to provide psychological care in the places of detention and in the community, and the strategic plan for training at the Supreme Judicial Council and the Public Prosecution Office to develop the judiciary and strengthen its efficiency, independence and integrity. The state will also pursue its efforts to implement recommendations related to the promotion and protection of workers' rights, in cooperation with the International Labor Organization.

After reviewing your report, we would like to present our objective comments and observations under the following headlines:

**First: Monitoring places of deprivation of liberty:**

With regard to paragraphs (19) and (20), we point out that there are different types of oversight mechanisms that ensure effective monitoring of the compliance of law enforcement officials (members of the police force) with the following guarantees provided by the law to detainees:

- Oversight and monitoring within the scope of the Public Prosecution: As part of this practice, members of the Public Prosecution have the right to enter the institutions that fall within their jurisdiction to ensure that there are no illegally imprisoned persons detainees, verify examine the legality of arrest and detention orders, review the records and receive complaints of detainees in those institutions. The Public Prosecution also receives the requests of convicts and inmates of penal and correctional institutions about their cases, including the requests for viewing, photocopying, recovery of bail amounts and any other requests related to their respective cases. Inmates of penal institutions are also allowed to come to the headquarters of the Public Prosecution to submit complaints and requests, which are also received and reviewed through the recently developed services of video telephony. These visits have been significantly important and beneficial for individuals (under the provisions of the Public Prosecution Law and the Code of Criminal Procedure). For example, during the period from 1.1.2020 to 7.1.2020 and after these visits, approximately 200 release requests for health considerations were submitted by persons serving detention sentences in penal and correctional institutions. Each one of these requests was considered on a case-by-case basis, and after ascertaining the health conditions of nearly 190 prisoners, their penalties were suspended until those health conditions change.

- Independent national oversight mechanisms: which include inspection visits that National Human Rights Committee pays to places of detention and submitting recommendations thereon based on these visits to concerned authorities at the Ministry of Interior. A special committee concerned with visits within the National Human Rights Committee was formed, consisting of a number of members and employees, to pay regular visits to the central prison, the Capital's Security centers and booked deportation detention centers. The number of annual visits paid by the special committee and mentioned in the annual report ranges between 40 and 50. The National Human Rights Committee also organizes capacity building training courses and workshops in the field of independent monitoring of places of detention in cooperation with the Association for the Prevention of Torture in Denmark and the Association for the Rehabilitation of Victims of Torture in Geneva. It issued Human Rights Standards in Places of Detention Guide, which includes instructions for conducting visits to places of detention to monitor the conditions of non-discrimination; prohibition of torture and cruel, inhuman or degrading treatment; the extent to which disciplinary actions are permitted; long-term solitary confinement; the records containing information about arrest cases and legal actions taken; pre-trial detention; the rights of detainees to appoint lawyers, have translation service and contact the outside world; the material conditions of detention; health and social care standards; availability of grievance mechanisms; the rights of women and minors; respect of religions and cultures; and inspection of the places of detention by judicial and executive bodies, all through the following procedures: meeting with the directors of prisons; touring the entire facility; visiting all detainees and conducting free interviews with them without supervision from the administration of the prison; talking with other prison officials; making a final review with the prison director; preparing a confidential report within several days from the latest visit on the conclusions and points of understanding reached during the visit and presenting the same to the director of the prison; repeating the visits to prisoners, especially those whom they met on previous visits; and visiting all places of detention in the country, publishing the conclusions and recommendations reached in an annual report on the human rights situation, in addition to providing dozens of training courses, workshops, and seminars on the United Nations Convention against Torture (UNCAT) and other cruel, inhuman or degrading treatment or punishment against law enforcement officers.

- Control and monitoring mechanisms within the Ministry of Interior: include a mechanism for monitoring and evaluating human rights conditions of prisoners and

detainees by Human Rights Department at the ministry through surprise unannounced visits by inspection teams to prisons and places of detention at security departments and submitting periodic reports on those conditions to decision-making authorities in the ministry accompanied by recommendations. The number of inspection visits carried out by Human Rights Department within the monitoring and supervision mechanism were in excess of 100 between 2012 and the end of 2018, noting that whoever found to have been involved in any abuse of power among the members of the police force becomes subject to their disciplinary legal accountability procedures without prejudice to the right to institute criminal and civil actions against them when needed (according to Articles (71, 72, 73) of the Military Service Law.

In addition, the Ministry's competent authorities collaborate with a number of international organizations including the International Committee of the Red Cross, as they seek to receive recommendations from these bodies and work to implement them in a way that contributes to the improvement of the performance of the institutions that control the places of detention, by making use of national and international expertise in this regard.

Through these mechanisms, places of detention are monitored in accordance with the standards specified in the national legislations, such as the Code of Criminal Procedure, Law on the Regulation of Penal and Correctional Institutions and implementing regulations, as well as the standards that are compatible with the provisions of the 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', 'the set of principles relating to the protection of persons subjected to any form of detention or imprisonment,' 'the basic principles for the treatment of prisoners,' 'the United Nations Standard Minimum Rules for the Administration of Juvenile Affairs,' and the 'United Nations Rules for the Protection of Juveniles Deprived of their Liberty.'

## **Second: Psychological and social care approach**

With regard to what was stated in Paragraphs (22), (23) and (24), the state opened many clinics affiliated to the Psychiatric Hospital in primary health care centers including Al Wajba Health Center, Al Thumama Health Center and Qatar University Health Center as well as a clinic at Hamad International Airport. It is expected that the number of centers that include psychiatric clinics will rise to ten. In addition, many specialized psychiatric clinics have opened in many hospitals including the National

Center for Cancer Care and Research Hospital and the Heart Hospital. A clinic specializing in treating attention deficit hyperactivity disorder (ADHD) and learning difficulties, noting that this service is provided through home visits. In addition, a virtual clinic will be established at the Obstetrics and Gynecology Hospital to treat physical and mental disorders.

During the period of the Corona pandemic, Mental Health Service at Hamad Medical Corporation (HMC), in cooperation with the Ministry of Public Health and the Primary Health Care Corporation (HMC), launched a new helpline to provide support to people suffering from mental health problems resulting from Covid-19 pandemic. The helpline team includes mental health professionals who can provide assessment and support for callers belonging to the following four main categories: children and parents, adults, the elderly and front-line health care workers.

In addition, a memorandum of cooperation concluded between HMC and the Ministry of Interior has been put into effect from the moment it was signed, and psychiatric services have already been provided to all detained persons suffering from psychological and social disabilities through the psychiatric clinic located inside the central prison and at the outpatient clinics at the psychiatric hospital, where detainees are accompanied by the police, to ensure their safety and the safety of those around them.

A new department has also been created to deal with patients with criminal history suffering from mental disorders. The department pays visits to patients in their homes and ensures that they receive appropriate medical and functional treatment.

### **Third: (Deprivation of freedom in the context of) criminal justice system**

#### **A. Criminalization of certain non-violent acts** contrary to Islamic law and pretrial detention

With regard to what was stated in Paragraphs (25) and (26) Regarding the criminalization of some acts pertaining to adultery, drugs and sorcery, Article (1) of the constitution stipulates, "Qatar is an independent and sovereign Arab state. Its religion is Islam, and Islamic Sharia is the main source of its legislation ..." And since the constitution states that the religion of the State of Qatar is Islam, these acts are criminalized under Islamic law.

We also recall that the constitution was adopted after a vast majority of citizens voted for it in the referendum that was held on 29<sup>th</sup> of April 2003.

The Constitution of the State of Qatar stipulates in Article (36) that: “personal freedom shall be guaranteed and no person may be arrested, detained or searched, neither may his/her freedom of residence and mobility be restricted, save under the provisions of the law. No person may be subjected to torture or any degrading treatment, and torture shall be deemed a crime punishable by law”. The state guarantees in its laws for every person the right to freedom and personal security, and it is not permissible to deprive them of their freedom or to be subject them to any action except with a legal basis and for the reasons and on the conditions stipulated beforehand in the law and according to the procedures established therein. In addition, precautionary detention is optional for the Public Prosecution and can be replaced by other procedures in accordance with the provisions of Article (110) of the Criminal Procedure Code, which stipulates that: “after the interrogation of the suspect and sufficient evidence attributing the crime to the suspect or of the chances of him/her leaving the country is found, and if the incident in question is a felony or a misdemeanor punishable by imprisonment for a period exceeding six months, the Public Prosecution may issue an order for preventive detention of the suspect”.

In the previous cases, as well as in other misdemeanors punishable by imprisonment, the Public Prosecution member may issue an order for one of the following measures, instead of preventive detention:

1. Obligating the accused not to leave his/her residence or domicile.
2. Placing the accused under police surveillance.
3. Obligating the accused to present himself/herself to the police headquarters at specific times.
4. Prohibiting the accused from visiting specific places.
5. Preventing the accused from engaging in certain activities.

In all cases, the accused may be precautionary detained if he/she does not have a fixed or known place of residence in Qatar and the crime is a misdemeanor punishable by imprisonment.

This means that pretrial detention is an exception to the rule and that the Qatari criminal law guarantees the right of the persons detained in remand. The legislator

was very keen to avoid loose legal texts that may affect the freedom of persons. In particular, the Qatari legislator has provided several guarantees for persons detained in remand, as follows:

First: No authority other than the Public Prosecution, which is specified in the law as a legitimate and independent judicial body, can decide to impose precautionary detention on any accused.

Second: It is not permissible to impose precautionary detention or freedom restriction on a person unless the conditions stipulated for that by the law are met, including the evidence that the accused has committed the crime in question, real fear of his/her escape and that the crime of which such person is accused is a felony or misdemeanor which require the imprisonment of at least 6 months.

Third: The public prosecution cannot extend the precautionary detention beyond repeated periods of 4 days as specified by the Criminal Procedure Law without having to bring the accused before a judge who can release the accused with or without bail after hearing the statements of the Public Prosecution and the accused.

Fourth: The accused has the right to appeal the precautionary detention order or the decision to extend it. Article (157) of the Criminal Procedure Law stipulates, “the accused or their representatives may appeal the order of precautionary detention issued against them.”

#### **B. Prompt presentation before a judicial authority**

With regard to what is stated in paragraphs (27) and (28), the Public Prosecution office, according to Law No. (10) of 2002 on the Public Prosecution, is considered an independent judicial body that exercises the powers of investigation, accusation, initiating legal cases and taking procedures and measures related to them. Thus, bringing the accused before the public prosecution in its capacity as a judicial body within 24 hours of his/her detention does not contradict the provisions of Article (9), paragraph (3) of the International Covenant on Civil and Political Rights, even if the Public Prosecution decides to extend the detention of the accused after that because it is a decision issued by a judicial authority after all legal guarantees are provided for the accused to defend him/herself before the issuance of the detention order as the case with all detention decisions issued by the judge.

Article (4) of the Community Protection Law No 17 for 2002 prescribes that “the persons held in temporary custody shall be dealt with throughout the period of custody as precautionary detainees. If the detainee is put on trial and a custodial sentence is imposed, the period of temporary custody shall be deducted from the issued sentence”.

The insistence of Article (4) of the Community Protection Law that the persons held in temporary custody be treated, throughout the period of custody, as a precautionary detainee leads to other guarantees that preserve their rights in other Qatari legislations. For example, Article (40) of the Criminal Procedure Law No. (23) for 2004 guarantees that “no person may be arrested or detained except by order of concerned authorities, and in the legally established cases. Such persons must be treated in a manner that preserves their human dignity, and it is not permissible to harm them physically or morally, and the judicial officer must notify them of their right to remain silent and to communicate with whomever they choose.

Article (43) of the same law also insists on not delaying the investigations and hearing of the statements of the accused and presenting him/her before the competent Public Prosecution body within 24 hours of hearing the statements. If there is sufficient evidence of the accusation, “the judicial enforcement officer must hear the statements of the accused immediately after the arrest and present him/her before the competent public prosecution body within 24 hours of arrest. The Public Prosecution must interrogate the accused within 24 hours from the date of appearance before it, before ordering the release or precautionary detention of the accused.

Article (65) of the Criminal Procedure Law No. 23 for 2004 provides for the right of the accused, his/her attorney, the victim and plaintiff in civil rights cases to attend all investigations, and that the member of the Public Prosecution must notify them of the date and place of investigation.

Article (107) of the Criminal Procedure Law No. (23) for 2004 provides other important guarantees to prevent suspending or detaining the accused for a period longer than legally decided when it prescribes that the member of the Public Prosecution shall immediately question the arrested accused or, if this is not possible, remand them in one of the places of detention until the time of their questioning, and that the period of detention in those places must not exceed 24 hours. When such period elapses, the person in charge of managing that place must send the accused to



the Public Prosecution, which must question them within twenty-four hours or, otherwise, order their release.

Regarding what it said in paragraph 29, Article (136) of the permanent constitution assigns to the Public Prosecution the task of public action in the name of and on behalf of the society, overseeing judicial enforcement, and securing the implementation of criminal laws. It also provides that the Public Prosecution is not an independent court and that the law organizes this body, regulates its functions, and defines the conditions and guarantees pertinence to those who assume its jobs. Article (130) of the constitution provides that “the judicial authority is independent and is assumed by courts of different types and levels, which issue their decisions according to the law”. Thus, it is a completely independent institution, in the sense that it operates independently and does not depend on the courts or the police and works in a separate building even though it cooperates and coordinates with them in investigation, evidence gathering and trials. Therefore, any interference in the course of legal cases is considered unconstitutional. This is not limited to the State of Qatar, as the independence of the Public Prosecution Office is also guaranteed in the constitutions of well-established European countries such as Sweden. As stated in a report on the public prosecution systems in the European Union, the public prosecution systems differ greatly from one European country to another to the point that “it may seem difficult to provide common standards for the independence of both judges and public prosecutors” due to this difference”.

### **C. Arrest Procedures and the right to the legal assistance**

With regard to paragraphs (30), (31), (32) the procedures of the criminal code no. (23) For the year 2004, stipulates that in accordance with article (40) “no person may be arrested or detained without an order from the competent authorities in accordance with the conditions legally established. In addition, the detainee must be treated well in a way that preserves his human dignity and should not be harmed physically or mentally. Further, the judicial arrest officer must alert the accused to his rights not to speak and to contact any one he wants. Rather, article 101 of the same law not authorizes, even in a hurry for fear of losing evidence, the member of public prosecution in criminal offenses to question the accused, facing other accused or witness except after inviting his lawyer to attend if he decided a lawyer for himself. The accused decides the name of his lawyer in the investigation record or in the public prosecution registry at the department that lead the investigation or the one who is responsible of the detention location. It is possible the lawyer of the accused to assume

this report. Article 102, of the same law goes further and requires the empowerment of the lawyer to review the investigation at least one day before the interrogation or the confrontation unless, the prosecutor sees otherwise, anyway it is not permissible to separate the accused from his lawyer who is present during the investigation.

In addition, article (113) of law no. (23) Of the year 2004, of the criminal law, stipulates that, " everyone who is arrested or being held in pretrial detention must be immediately informed of the reasons of his arrest, detention or charges against him, and to have the right to communicate with a lawyer.

Article 116 of the same law stipulates" for a member of the public prosecution in all case have the right to order the accused in pretrial detention not to communicate with other detainees and not be visited, and this without prejudice the right of accused to always communicate his lawyer without anyone being present which is consistence with the implementation of the recommendation n°. (100) of the working group.

#### **D. Registration of the detainee at the police departments**

With reference to what has been stated in the paragraphs (33), (34) and (35) article 114 code of criminal procedure no.(23) of the year 2002, stipulates that," when the accused is put in the place designated for detention the one who detain him must deliver a copy of the order of the pretrial detention in stating the date of termination after signing the original of delivery ." By this procedure all police departments have an electronic and unitary registration that can be used to make sure of the number of detainees and their situations. This system based on a procedural regulatory mechanism that shows the specialists a reference to verifying the number of the detainees, such procedure preserve the confidentiality of the detainees and the records. The State of Qatar adopts a new law to combat money laundry and financing terrorism, the law no. (20) Of the year 2019, which includes a wider and a comprehensive amendments developed by the State of Qatar, of these it regulates and provides a full statistical information about all detainees and the accused from the beginning of opening the case until the accused gets out of the prison or the case being closed.

#### **E. The pretrial detention**

With regard to paragraphs (36), (37) and (38) article 117, of the law no. (23) of the year 2004, stipulates the issuance of the law of criminal procedure, where the order of pretrial detention of the public prosecution issued after interrogating the accused for four days, can be extended to similar periods of eight days and also, and be extended

to similar periods for crimes stipulated in the first and second sections of the third chapters of the second book of the criminal law, wherever the nature the crimes are damaging the national economy. If the interest of the investigation necessitates the continuation of the precautionary custody of the accused after the expiration of aforementioned term in the former paragraph, the Public Prosecution must display this to a judge of preliminary court to issue order. After reviewing the papers and hearing, the statement of the prosecution and the accused the judge can renew the detention for similar period or release the accused with bail or without. In all circumstances, the term of emergency should not exceed six months if the accused not transferred to the special criminal court before the expiration of this period.

Qatar legislation includes in the criminal code no. 32 of the year 2004, guarantees in respect to the issuance of emergency detention, these summarized as follows:

- Determine the cases where the pre-trial detention is permissible (Art. 110).
- Determine the detention period (pre-detention) where the pre-detention is a temporary measure required by an estimated necessity Article no. (117) and what follows.
- The right of the accused to appeal the order of pre-trial detention or its extension art. (157).
- The right of the precaution accused to demand a temporary release with or without bail, article 119 and 120.
- Right of members of the Public Prosecution to enter the designated places for detention to make sure of the non-existence of illegal prisoner art. (395).
- Enabling the reserved detainee to have complaint by raising a written or personal complaint to the person in charge to introduce it to the public prosecution.
- Legality of detention. Arrest no person without an order from the competent authority (public prosecution). Article no. 40 in the cases legally established.
- No pre-trial detainee be subjected to torture and must be treated with respect in a manner that preserve his dignity, further he, should not be physically or mentally harmed. Art. (40).
- Immediately inform the arrested person or pre-trial detainee of the reason of his arrest, detention or the charge against him, art. (113).
- Stress on the social responsibility in the protection of the pre-trial detainees and that is by stipulating in the law the following:
- (Everyone who knows that a person illegally detained or at places not intended for confinement should inform the public prosecution) art. 396.

Enabling the accused to self-defense and providing legal assistance by stipulating the right of the accused not to speak and his right to contact his the legal department if he is a foreigner, his legal representative or have a lawyer. Every detainee must have a lawyer to defend him and if the accused cannot appoint a lawyer the court appoints a lawyer to defend him art, (40,113, 121).

#### **F. Lese majesty offences**

With regard to para. (39), (40) and (41) the international covenant for civil and political rights stipulates in article (19) on the right of every person in free expression whether written, printed, artistic template or by any other means, but para (3) of article (19) limits that freedom with several restrictions, of these are respect of rights of others, respect of their reputation, protection of national security of every state, the public order, protection of the public morals and the public health. It permits the practice of these restrictions on condition that they defined by the law and be a necessity.

Hence, practicing freedom of expression in accordance with the report collides with the protection of the national security of the State of Qatar and the requirements of the protection of the public order, for such reasons the Qatari legislator decides it would preach in the event of criticizing the Amir, his deputy or the crown prince as they practice their rights, authority or criticizing somebody.

As these crimes were defined in the Qatari penal code and where it is necessary for the state to protect its public order and as the international covenant gives every state the freedom of discretion to determine what it deemed fall within the domain to restrict of the freedom of expression to preserve the national security, public order, moral or public health provided that it is listed in a law in order the Public Prosecution and the litigation bodies practice the monitoring of the executive authority in the implementation of the law. Hence, restriction of the right to freedom of expression comes in accordance with what stipulated in provision (3) art.(19) of the International covenant of the civil and political rights and the public comment on it. Which makes detention in accordance with art. (134) text of the Qatari penal code not an arbitrary detention.

#### **G. Gender equality before the law**

With regard to what stated in para. (42) And (43) there is no provision in the Qatari penal code of the law (11) of the year 2004 discriminatory provisions against women. The law criminalize all forms of violence and imposed a deterrent penalties in this

respect by criminalizing many violent acts against women (qualitative violence against women) as in rapes, indecency and prostitution of these is article (279) of the penalty codes which speaks of rape crime and provides the penalty of execution or life imprisonment.

The Qatari law also dealt with psychological violence against women, art. (291) of the penalty code criminalizes scratching the shyness of female by saying or gestures, penalty not less than 5 thousand QR.

The law also stipules the law of organizing reform and punitive institutions in order to sure the detainees, of these are:

- Provision of suitable health care for the imprisoned pregnant concerning food, rest and work and to transferring her to the hospital when approaching delivery article (40)
- Not to refer to the birth of the child in the institution in the birth certificate (art. 41).
- The stay with his mother during the penalty if the mother desires, if not be delivered to his father or his relatives or be put in child care centers (42)
- Delaying the execution of disciplinary procedures on the pregnant after her birth, it is to be noted that the punitive and correction institutions include children accompanied their mothers in prison in the health services, which are appropriate to their age.
- Regarding the provision of article (44) and (45) homosexuality is prohibited by the Islamic law and the constitution of the State of Qatar provides that Qatar is an Arab country and the Islamic Sharea is the law. And here we point that the constitution is a product of a referendum of April 2003. By the consent of the majority of the citizens of the state of Qatar.

#### **H. Detention based on discriminatory grounds**

With regard to paragraph (42) and (43) there are no provisions in the Qatari penal code issued by the law No. (11) Of the year 2004, discriminating against women, but the law referred to has criminalize violence in all its forms and imposed deterring penalties in this respect. The law also contains many facets of protection for the human being in general for women specially, by criminalizing many violent activities that may be directed to women, as a woman ( qualitative violence against women) as in case of rape and indecent assault, prostitution and abortion as well as criminalizing violent activities directed to human being in general, of these articles, article 279 of the penalty code which mentioned the prostitution crime and stipulates penalty as death penalty and life imprisonment. If the culprit is from the victim origin penalty

will be death penalty only. In addition to article 286 of penalty code, which stipulates detention for a period not, exceeding fifteen years for those who commit indecent act without consent whether by coercion, threat or ruse. In addition, to article 288 which considers the victim youth as a legal presumption of dissatisfaction.

In addition, the Qatari law touches on the issue of physical violence against women. Article 291 of the Qatari penal code criminalize scratching the shyness of women in any form including by gesture or movement where it stipulates that he commit such thing be punished by imprisonment for a period not exceeding one year and a fine not to exceed five thousand QR.

The law regulates the penal and correctional institutions the rights of women and children, which the institutional administration works on to guarantee for these group inmates and of these we mention- not limited to:

- Providing appropriate health care to the pregnant woman in terms of type of food, sleep periods, work assigned to her and transferring her to the hospital when delivery is approaching (art. 40 of the law).
- The non-reference to a childbirth at the institution or to the event of his mother imprisonment in the birth certificate is necessary (art.41, of the Law).
- Remaining of the child who was born during the imprisonment of his mother with her until the age of two years, if he reaches two years and his mother does want him to be with her during that period the child be delivered to his father or to those who legally have the right to custody. If the child have no father or relatives to sponsor him he shall be placed in childcare homes and his mother be informed about the place (art.42, of the law).
- Postponing the execution of any disciplinary action against the imprisoned woman until after the delivery and the end of her child existence with her (art.43, of the law). Knowing that the penalty and correction institutions include accompanying children in the prison in the health services appropriate to their age in rehabilitation programs of educational dimensions.
- With regard to the statement of paragraphs No. (44), and (45) Sodomy and the same sex relationships are forbidden in the Islamic law. Art. (1) of the constitution stipulates (State of Qatar is an Arab independent sovereign Islam is the state religion and the Islamic law is main source of law, there these acts are prohibited, here we say that the constitution came as a result of a referendum of April 2003, with the consent of a majority. It is clear the Qatari community rejects these actions.

## **I. Detention for debt**

With regard to paragraphs (46), (47), (48) and (49) the civil and commercial procedure law issued by law No. 13 of the year 1990, and its amendments regulates the issue of impermissibility of imprisoning any person for the mere reason that he cannot fulfill his contractual obligations by articles (514) up to (518). With regard to the total of these article in respect to imprisonment of a debtor the Qatar legislator took a medium approach in order to safeguard the private rights on one side and to preserve the human rights and the international obligations on the other side, thenceforth, the legislator permits imprisonment in certain limited exceptional cases in which the court sees arbitrariness of the convicted person and an intention to harm the creditor.

The legislator unified cases in which it is not allowed to issue an order to imprison a debtor so article (1/ 516) of the procedural law, stipulates “ it is not permissible to issue an order to imprison a debtor in the following circumstances: 1- If he did not reach the age of 18, or he exceed 70 years, 2. If he is a husband, origin or branch of the creditor and the debt not an established expense.3. If the debt provide a bank sponsorship or able sponsor accepted by the judge to fulfill the debt or deadline or if he directs to money belong to him with the state enough to fulfill the debt. If it being proved clinically the debtor is temporary ill that he cannot bear the prison, the delay will be until his recovery. If the debtor is a pregnant woman, the delay will be until two years from the delivery to care the child.

### **Fourth: Juvenile justice and minimum age for the criminal responsibility**

With regard to the statement of paragraphs (50), (51), (52) and (53) and in the framework of the state relentless efforts to protect the rights of children the national committee for women, children, elderly and persons with disabilities affairs in accordance with the resolution of the council of ministers no. (26) of the year 2019, among its specialties to monitor the situations of women’s rights, and the study of the legislations in respect to women, children, elderly and persons with disabilities and to propose its amendment so that it be compatible with the international agreements to which the state is becoming a partner, now the committee is studying the draft of children rights bearing in mind following questions.

- The extent to which the law conforms to the provisions of the convention of the rights of children.

- Consideration of aspects in connect to cultural, national and religious identity and other local data.
- Recommendations and observations of Rights of Children Committee in respect to the state national report delivered to this mechanism in respect to the situation of human rights / challenges in relations to childhood.
- General comment of Children rights committee about (The rights of Children in the juvenile justice) and Reports of Human rights council in this respect.
- Laws in relation to children, issued from some Arab countries.
- Relevant Arab and Gulf guiding laws.
- The Draft law of Children will provide a complete regulation of criminal responsibilities of juvenile, as for guaranteeing the non-punishment all who are under 18 year of age, the Qatar draft provides in art. (8) of law No.(1) of the year 1994 on Juvenile “ If a juvenile not reaching 14 years commits a felony or misdemeanor, it may not be judged by penalty or established measures for these crimes except the confiscation or close of the shop and will be judged by the following measures: “Reprimand, delivery on job professional training to be oblige by specific duties, judicial test, to be send to some institution, in order to be socially prepared and put in a health institution”. This is in accordance with the team group’s recommendation no.(100)

#### **Fifth: Observance of Fair trial rights**

##### **A- Independence of Lawyers**

With regard to paragraphs (54), (55) and (56), the constitution guarantees the right to establish an association. The Article (45) of the constitution stipulates, “The right of citizens to establish associations is guaranteed under the conditions and circumstances set out in the Law”. The Law no. 12 of 2004 on Private Associations and Foundations organized that natural or legal persons have a right to participate in establishing an association aimed to organize humanitarian, social, cultural, scientific, professional or charitable activity. The Qatar Lawyers Association established on 06/14/2006, as one of the professional associations in the country, exercising its full authorities in the legal profession according to its basic system. However, the association’s activity depends on the efforts made by its board of directors, which elected every three years, by the members of the general assembly. In addition, the association’s board of directors draws the main outlines of association strategic plans and presents programs and activities that reflect positively on its members or those who represent the profession.



The legislator assigns the acceptance of the registration of lawyers and their requests to the Lawyers Admission Committee, without prejudice to the professional independence of the lawyer. The legislator has established this committee in accordance with Article (10) of the aforementioned Lawyer Law. It is an administrative Committee, with judicial competence, and one of the elements of its formation is the judicial component, because it includes two judges from the Court of Appeal in its memberships elected by the Judiciary Supreme Council, a lawyer at the Public Prosecution office elected by the General Attorney and three lawyers as well as the decision of accepting the registration of lawyers and their requests in accordance with the code of law practice, and its nature in the strength of the decisions of the first-degree court. The appeal against its decisions made before the Court of Appeal in accordance with the provisions of Article (29/5) of the code of law practice referred to as ", the committee's resolution may be challenged before the court of appeal within sixty days as from the date whereon the rejection notice is served upon the complainant or after elapse of the period prescribed for deciding upon the grievance without being settled". This is a guarantee without prejudice to the professional independence of the lawyer. The role of the Legal Affairs Department in this matter, is to register the lawyers who have been accepted by the Lawyers Admission Committee, and investigate the Lawyers upon the request of committee, when referees it by the Disciplinary Board, but imposing the disciplinary penalty and suspended the activity the lawyers, is within the competence of the "A disciplinary Board" issued in accordance Article (67/1) the code of law practice "A disciplinary Board chaired by a judge of the Court of Appeal and consisting of two judges selected by the President of the Court of Cassation, one of the jurists at the Ministry, and a lawyer enrolled in the roll of lawyers admitted by the Court of Cassation, who is not member of the Committee and selected by its chairman, shall be responsible for disciplining lawyers.

In addition, the lawyer performs his duties towards his client in an independent and impartial manner, free from interference in his affairs by the executive, legislative and judicial authorities, in accordance with the dictates of his conscience and the morals of his profession. Therefore, the concept of independence - in the best expression - is (functional self-sufficiency accompanied by forms of responsibility, which ensures that the lawyer performs his job in a manner that reassures litigants of their representatives and trust them, and creates the ability for lawyers to resist all pressures and interference from any source). This concept has been enshrined and its features and elements have been defined in the legal legislation in the State of Qatar according

to Article (2) of the code of law practice n.23 of 2006 which stipulated “The Legal Profession is a free profession aims to achieve justice, contributes with the judiciary to establishing its rules, and assists litigants to defend their rights and freedom. Lawyers shall, in pursuing their profession, enjoy the rights and assurances specified by this Law, and shall be obliged by virtue of the provisions of this Law to comply with duties set forth hereunder.” which is consistence with the implementation of the recommendation N<sup>o</sup>(.100) of the working group.

### **B- Interpretation during legal proceedings**

With regard to paragraphs (57), (58), (59) and (60), the Article 72 guarantees the right of witnesses and detainees who are not Qataris and who do not speak the Arabic language, to the appropriate interpretation, whether during their interrogation or trial. This article stipulated that the investigation shall be conducted in the Arabic language, and the Public Prosecution member hears the statements of the litigants or witnesses who did not speak Arab language through an interpreter, after he swears an oath to perform his task honestly. If the documents or papers are presented in a language other than Arabic, the Public Prosecution member shall assign an interpreter to take the oath as described in the previous paragraph.

There is also a specialized department for the interpretation at the Judiciary Supreme Council with a large number of interpreters specialized in most of the foreign languages spoken in the State of Qatar. Providing interpretation service is very important in court sessions, and the session will be postponed when the interpreter is absent, as recognition of the right of the litigant in this regard, which is consistent with the implementation of the recommendation N<sup>o</sup>(100) of the working group.

### **C- Meaningful Trial proceedings**

With regard to paragraphs (61) and (62), many the legal and constitutional articles grantee the right to fair trial that aimed to protect right of detainees since the beginning of their detention and during the steps of the detention, until the steps of appeal of their trial. The judicial authority shall be responsible for implementing these laws. An accused person is presumed innocent until his conviction is proved before a count of law wherein the necessary guarantees of the right of self-defense are secured. No crime, no punishment expects by law, and all people are equal in front of the law. The constitution laid the essential foundations for a fair trial. In addition, the fourth chapter of constitution pointed out the basic principles of independence of the

judiciary, and the fifth section from the fourth chapter of constitution also confirm the principle independence of the judiciary, rule of law, judges are independents, and no any authority shall intervene in the trial's cases or the process of the justice and litigation is right for very one. This law was adapted by the Judicial Authority Law N°.10 of 2010 mandated 2003 and litigation procedures in Law N°.13 of 1990 on issuing the Civil and Commercial Procedure law and its amendments, as well as Law N°.23 of 2004 on issuing of the Criminal Procedure code, the Judicial Authority Law that issued by the Law N°.10 of 2003 and its latest amendments by the Law N°.4 of 2019.

#### **D- Trials in absentia**

With regard to the provisions of paragraphs (63) and (64), the Criminal Procedure Law stipulated on many guarantees regarding judgments in absentia. The Article (180) of the Criminal Procedure Code stipulates, "If the suspect is summoned in accordance with the law and does not appear on the day set out in the writ of summons, and does not send an attorney for him, in the cases where this is possible, the court, having examined the papers, shall adjudicate a default judgment. If the writ of summons has been delivered to him in person, and the court found that there was no justification for his absence, the judgment shall be deemed in his presence". The Article (264) of the Criminal Procedure Code stipulates, "Objection is allowed to judgments in absentia issued on the violations and misdemeanors by the convicted person within seven days from being personally notified of the judgment, in addition to distance time. If the convicted person is not notified, then the time of objection starts from the day on which his knowledge about such notification is proved. This period in the judgments issued in absentia with regard to crimes shall be counted as from date of arrest of the convicted person, unless the judgment had been personally notified to him before that time. In the case of the convicted person fleeing the country, the time shall be counted from the date of notifying him at its last known domicile. If the time for objection lapsed without objection by the convicted person, the objection to the judgment shall not be accepted except by way of appeal, in permitted cases". The Article (267) from the same law stipulates, "Objection results in rehearing the case, as to the objecting party, before the court which issued the judgment in absentia. If the objecting party is absent in any of the hearings fixed for considering the case for an unacceptable reason, the court shall rule without considering the objection". The Article (270) from the same law stipulates that "the court may rule to uphold the in absentia judgment, or cancel it and acquit the objecting party, or amend". All these guarantees based on ensuring the right of everyone sentenced by judgment in absentia to appeal it, as well

as confirming the need to notifying about judgment in absentia against him; otherwise, that judgment will remain unenforceable.

In addition, An office for the execution judgments opened at the headquarters of the Department of Punitive and Correctional Institutions, to expedite the consideration of the detainees' requests and implement it with accordance with the Criminal Procedure code N<sup>o</sup>.23 of 2004 stipulates a that "If the convicted person is detained, its appeal report may be submitted to the person in charge of the administration of the place where ,before the expiration the legally prescribed period of (15) days " , and submit it to the decision-making authority (the Public Prosecution), for the purpose of facilitating the receipt of notifications from detainees and those concerned, which is consistence with the implementation of the recommendation (N<sup>o</sup>.100) of the working group.

#### **E- Consular assistance**

With regard to paragraphs (65), (66) and (67), the Article (13) of Law no.3 of 2009 on the Regulation of Penal and Correctional Institutions, that stipulates that "a non-Qatari detainee shall be informed upon entering the institution by his right to contact the diplomatic or consular mission regarding the contact with his family". The same law guarantees to all detainees the right of visit, and right of contact with their families without discrimination. A detainee person is allowed with permission to visit his first-degree relatives outside the institution, in order to attend the burial, or to perform the duty of condolence in the death of one of his first-degree relatives, provided that the permit period does not exceed 48 hours. The Public Prosecutor or the Director or whoever acting on their behalf, either of them can give the detainee person a permission for visit outside the regular visit dates, if necessary.

Within the eagerness of the Department of Human Rights at the Ministry of Interior, in respecting the rights and duties of detainees, the Department has deliberately secured specialized inspection teams, to conduct surprise visits to penal and correctional institutions, in order to determine the conditions of institutions and detainees. These visits contain questionnaires with comprehensive questions, to be answered by those concerned in institutions regarding living, civil, legal, educational, and social and health rights of the detainees, including ensuring that the detainee is informed by his right to contact the diplomatic mission of his country

## **Sixth: Other forms of deprivation of liberty**

### **A- Protection of the community Law:**

With regard to paragraphs No. (69), (70), (71), (73), (74) and (75) on Protection of the community Law: it is useful to recall that there are urgent and serious reasons related to the protection of the Qatari family, its deprivation, preserving the social fabric, and mitigating the harm.

This law is not applied in all cases, except in exceptional such as crimes involving state security, honor, and decency or public morals. The Lawno.17 of 2002 on Protection of the community stipulate that “Both the detainee and his family may appeal in writing to the Prime Minister against the decision of detention or extension thereof”.

Many constitutional and legal articles stipulate that the principle of the independence of the judiciary and the public prosecution. The principles foundations of Qatari society are included in the constitution such as justice , equality , the State is constitutionally obligated to protect these foundations and pillars , constitutional texts have repeatedly stipulated that people are equal before the law, the grantee of personal freedom, the deprivation of human privacy, the accused person is innocent until proven guilty by fair trial that provides him the necessary guarantees to exercise his right of defense, and no crime and no punishment, except by law.

The permanent constitution of the State of Qatar devoted an entire chapter (Chapter Four) where a part of it for organizing the authorities, and stressing that the system of judgment is based on the separation of authorities with their cooperation as indicated in the constitution, and the judicial authority has the mandate power on courts as indicated in the constitution.

The fifth chapter of the constitution emphasized the principle of the judiciary independence, the supremacy of the law, no authority above the law, and no any party shall interfere in cases or in the justice process and the right litigation is a protected and guaranteed for all by the constitution.

In the same chapter which is related the judicial authority, the Constitution stipulates in Article (136) that “The Public prosecutor shall conduct public prosecutions in the name of the people, supervise law enforcement, and ensure the application of criminal laws. The law shall regulate the functions of this body and shall set out details

pertaining to the tenure/conditions of employment/functions/roles/responsibilities of staff in the office of the Public Prosecutor”.

"The constitutional protection has been strengthened by the text of Article (1) of Law no.10 of 2002 on Public Prosecution, affirmed that the Public Prosecution shall consist of the Attorney-General as chairperson, assisted by one or more First Public Attorneys and a sufficient number of members of the Prosecution. The Public Prosecution shall not be held accountable for the results of its actions within the territorial limits of its jurisdiction.

The Article 29 of Law no. 10 of 2002 on Public Prosecution stipulated, “A member of the Public Prosecution shall not be involved in any activity in which he has a direct or indirect personal interest, or a blood relationship or affinity up to the fourth degree to any party to such activity”

The Article 29 of Law no. 10 of 2003 on Judicial Authority stipulated “No judge related to another by blood or marriage up to the fourth degree may serve in the same Chamber, and No judge related to any party to a dispute, or their representative, by blood or marriage up to the fourth degree may hear the dispute”.

Based on what was stated in Article 202 of the Penal Code “Whoever induces a judicial employee, by order, request, menace, wish or recommendation, to modify normal legal procedures or to abstain from applying appropriate legal procedures, shall be punished with imprisonment for a term not exceeding three years and/or a fine not exceeding ten thousand Qatari Riyals (QR 10.000)”.

## **B- The State Security Service Law and the Law on the combatting Terrorism**

With regard to the provisions of paragraphs (76), (77) and (78) regarding detention orders issued by the Public Prosecutor after interrogating the suspected person of terrorist crimes. Article 23 of Law No. (27) of 2019 stipulates that “Notwithstanding the provisions of the Criminal Procedure Code referred to, orders for preventive detention issued by the Public Prosecutor after interrogating a suspect with respect to terrorism offences, shall be (15) fifteen days, and may be extended for similar periods, if so deemed to be in the interests of the investigations, provided that such extensions shall not exceed (180) one hundred eighty days. Such period may not be extended, except by an order from the competent court”.

Qatari laws are in accordance with what was stated in Security Council resolutions n. 1267 for (1999) and n. 1373 for (2001) on the international effort to combat terrorism.

Note that the State of Qatar will make its laws and procedures related to combat money laundering and terrorism financing subject to a comprehensive evaluation by The Financial Action Task Force) which is the global institution concerned with making proposals and international standards in this field, supported by the United Nations, the World Bank and the International Monetary Fund in 2020. The State of Qatar will respond to all recommendations that may result from this evaluation

### **C- De facto deprivation of liberty by private sector**

With regard to paragraphs (79) and (80), Islamic Sharia stipulated provisions aimed at promoting, protecting and preserving the dignity of women in line with their nature. The constitution of the State of Qatar was keen in its articles (34 and 35) to enhance the welfare of Qatari women and assist them in obtaining all their rights, equality with all citizens in public rights and duties. All persons are equal before the Law and there shall be no discrimination whatsoever on grounds of gender, race, language or religion.

In accordance with the provisions of Islamic Sharia and the Constitution of the State of Qatar, the state has issued many laws and procedures that enhance the rights of women, remove discrimination between women and men, as well as establishing the rules equality between women and men in various fields. The texts of all Qatari laws are drafted without discrimination between women and men general when determining the rights or specifying the obligations.

All national legislations have also worked to ensure the principle of gender equality in various fields, including equality in the right to education under Article (2) of Law No. (25) of 2001 on mandatory education, equal access to health services, and women's access to the right to benefit from the system in the Law No. 2 of 2007 on the Housing System, as well as the equality in managing public affairs through the right of women to run and be elected to municipal councils, and holding important political positions.

In addition, the legislations regulating the labor market in the State of Qatar, adopted the same approach of the permanent constitution, did not include any negative discrimination against women, and did not stipulate any discrimination between men and women in salaries and job benefits. On the contrary, discrimination was positive, as Law no. (15) of 2016 on issuing the Civil Human Resources law and its implementing regulation by Cabinet Resolution No. (32) of 2016, which regulates the

provisions of the employment in State. This law and its implementing regulations listed a number of positive forms of discrimination where women obtain following:

- Same allowances and benefits as a married employee, while her husband gets them in the category of single employee, if the benefits determined for her are greater than those determined for her husband.

- Paid leave if she has a child with a disability or with diseases that require the mother to stay with her children.

- Leave with gross salary to accompany her sick child during his stay for treatment in one of the public or private hospitals within the country.

- Maternity leave with gross salary.

- Giving women two hours per day for two years under the name of "two hours of breastfeeding".

- A leave of one hundred and thirty days for the employee whose husband dies, representing the period of mourning prescribed in Islamic law upon the death of the husband, and this leave is not counted among her other leave.

An escort from a member of the woman's family who is traveling on an official mission or training course, and her employer bears the cost of the facilities.

Also, Decree-Law No. (19) of 2007 promulgated the Traffic Law, which equated women and men with regard to the conditions for obtaining a driving license.

With regard to the provisions of paragraphs (81), (82), (83) and (84), in October 2017, the state concluded a technical cooperation agreement with the International Labor Organization for the period from 2018-2020, which includes the organization's provision of technical advice in the areas of: Improving the wage protection system Improve the inspection system, occupational safety and health, implement a contractual system to replace sponsorship, improve conditions of employment and labor recruitment procedures, increase prevention and protection of forced labor, prosecute perpetrators and give workers a voice.

The state has also modernized a modern legislative system in the field of promoting and protecting workers' rights that keeps pace with its aspirations in this field, we mention by way of clarifying the information contained in the rapporteur's report according to the following axes:

Law No. (15) of 2017 regarding domestic workers was issued, which is in compliance with international labor standards and the provisions of Convention No. 189 of the International Labor Organization regarding decent work for domestic workers. In the report, they are as follows:



Article (12) stipulates "The maximum hours of work shall not exceed ten hours a day, unless there is an agreement to the contrary, interrupted by periods for worship, rest and food. Such periods shall not be included in the calculation of the hours of work"

What was only regulated in the aforementioned text is the maximum daily working hours, as the legislator made it a rate of (10) hours per day, while the model employment contract approved by the Ministry of Administrative Development, Labor and Social Affairs was stipulated in the fourth item thereof entitled "Regular working hours and rest periods "It stipulated that the employee is committed to performing the work agreed upon for a period of (8) hours per day, as normal working hours, interspersed with periods of worship, rest and eating, which are not counted within the working hours. That is, the employment relationship between the domestic employee and the employer did not deviate from the counterpart relationship between the worker and the employer in the Labor Law.

Obliging the employer to provide the user with adequate food and housing, adequate health care, medicines and medical supplies in the event of illness or injury during or because of the performance of work, without incurring any financial burdens to the employee. Treating the user well preserves his dignity and physical integrity. In addition to not endangering the life or health of the user, or harming him physically or psychologically in any way, and not operating the user during his sick leave, during the daily rest dates or during the weekends, unless there is an agreement between the two parties to the contrary. It is also granted freedom to leave the house on the weekend.

Obliging the employer to pay the agreed monthly wage to the employee in the Qatari currency at the end of the calendar month, and not later than the third day of the following month, and the employer is not discharged except so.

Regulating annual leave and end-of-service benefits matters; So that the user is entitled for every calendar year, he spends with the service, a paid annual leave of three weeks with entitlement to travel tickets. The legislator also obligated the employer to pay the end-of-service reward to the user upon the end of his service, in addition to any other sums owed to the user.

The value of the end-of-service gratuity is determined for a three-week wage for each year of service.

Determine the cases of the user terminating the employment contract before its term expires.

The disputes that arise between the employer and the employee are subject to Labor Law No. 14 of 2004 and its amendments; by resorting to the aforementioned labor dispute settlement committees to ensure that the dispute is resolved quickly and that the employee receives his entitlements as quickly as possible, and compensation to the employee for work injuries in accordance with the provisions of the labor law referred to above, and imposing penalties for violating the provisions of the law amounting to 10thousand Qatari riyals.

The law also permits the employee to terminate the employment contract before the end of its term, while retaining his right to an end-of-service gratuity, in the following cases: If the employer violates his obligations under the employment contract or the provisions of the law. If the employer, or his representative, has introduced fraud to the employee in relation to the terms of use, if the employer or a member of his family assaults the employee in a way that harms his body or breaches his life. If the employer or one of his residents becomes aware of the existence of a serious danger threatening the safety or health of the user and does not work to remove it.

The Ministry of Administrative Development, Labor and Social Affairs has established a department to receive and settle domestic worker complaints, and the competent department receives complaints directly from domestic workers through social media, and the complaint is registered on the same day and an appointment is set with the employer on the next day to try to settle the dispute amicably, and if both parties accept as a result of the settlement, what has been agreed upon is recorded in a report that has the power of an executive document, and if the two parties do not reach a settlement, the complaint is referred to the parties to settle labor disputes, in order to ensure the speedy resolution of the dispute and the employee's access to his rights and entitlements as a matter of urgency.

In addition, based on the text of Article 22 of the Law Regulating the Entry, Exit and Residence of Expatriates, there is an important guarantee represented in the authority entrusted to the Human Rights Department at the Ministry of Interior to change the direction of any worker immediately and without the consent of the employer in the event of the latter's abuse of any form of abuse.

Article (51) of Law No. (14) of 2004 promulgating the Labor Law allows the worker to terminate the work contract before the end of its term if it is for a fixed period or

for an indefinite period, and without informing the employer while retaining an end remuneration if the employer breaches his obligations stipulated in the law And what is agreed upon in the contract or if there is fraud from the employer about the conditions of work or physical or moral assault on the worker or one of his family members or there is a danger threatening the worker and the employer did not protect him and if a judicial decision was issued by one of the labor dispute settlement committees in favor of the worker (the last case was added to Decree-Law N°. 18 of 2020 by amending some provisions of the work code in this case the worker has the right to leave the work without the need to bring the matter to court The worker may not waive his right because his right in this case relates to public order and he has the right to resort to law enforcement agencies that protect him and provide shelter if necessary. Thus, there is no so-called crime of absconding in Qatari legislation.

Law No. (21) of 2015 regulating the entry and exit of expatriates prohibits the seizure of passports and includes criminal penalties for this practice, as the punishment for passport seizures increases with a fine of (25,000) twenty-five thousand riyals. Ministerial Resolution No. (18) of 2014 defining the requirements and specifications of adequate housing for migrant workers and domestic workers stipulated the allocation of safe places in which lockable warehouses are available so that workers can freely access them, and keep their documents and personal belongings, including workers' passports.

Surveys conducted in 2017 and 2018 by the Social and Economic Research Institute of Qatar University (SESRI) showed that passport retention is becoming a less common phenomenon in Qatar than before.

In 2019, the Ministry of Administrative Development, Labor and Social Affairs launched a social media campaign to raise awareness that includes messages about the right of workers to carry their own passports.

The following is a statistic about the complaint of retaining the employee's passport by the employer for the years 2016, 2017 and 2018:

N0	Statement	2018	2017	2016
1	The number of complaints that the employer has retaining the worker's passport	247	346	738
2	The number of cases of complaint withholding the passport of the worker referred to the prosecution	37	82	100

It is noticeable that the number of complaints related to the confiscation of passports is decreasing continuously, and this indicates the employer's keenness to adhere to the similar provisions of the law with the penalties imposed on the employer as a result of his seizure of the passport, in addition to the high level of control represented by inspecting the provisions of human trafficking in addition to the high level of labor awareness of the provisions The Labor Law, in addition, workers have more power to deal with the authorities with complaints. As such, withholding passports is not an effective way for employers to exercise control as it used to be.

The exit permit has also been canceled pursuant to Law No. (13) of 2018 amending Article (7) of Law No. (21) of 2015 related to regulating the entry, exit and residency of expatriates, which recognized the right of worker's subject to the Labor and Domestic Workers Law to temporarily exit or leave the country during the validity of work contract.

Law No. (13) of 2017 was issued to establish one or more committees called the "Labor Disputes Settlement Committee", which is concerned with adjudicating within a period not exceeding three weeks in all disputes arising from the provisions of the law or the work contract, which the competent department in the ministry refers to the committee. The committee adjudicates in the dispute the strength of the executive bond. According to the following procedures:

Complaints are submitted directly from the worker or employer at home, or by embassies, to the competent department at the Ministry of Administrative Development, Labor and Social Affairs through the form prepared for that purpose, where the worker fills out this form with the required evidence, signs it and submits the complaint to the ministry, after which complaints are registered electronically and representatives are summoned Companies by e-mail, and the complainant migrant worker receives an official copy of the summons.

The settlement employee provides legal advice for the benefit of the worker or employee with the help of one of the translators in the ministry that has a sufficient number of translators. Open to workers including working committees in the afternoon.

If the worker or employee wishes to request a legal opinion (at any stage of the complaint), he can meet with a legal expert at the Labor Relations Department, during official working hours (without the need to book an appointment in advance).

If the worker believes that he has been subjected to retaliation, through a criminal procedure by the employer, the employee in charge of labor complaints advises him to resort to the competent authorities (police / prosecution).

Workers' complaints can also be submitted via electronic devices, as the administration continues to publish electronic devices to receive those complaints and train workers on them, which are available in (11) languages. In addition, the Ministry works to enable workers and home users domestic workers to submit their complaints and follow them electronically on the website of the Ministry of Administrative Development, Labor and Social Affairs through the "Amirni" application, in order to enable workers and employees who are not able to personally attend the Ministry to submit their complaints while ensuring that those complaints are kept confidential.

Other patterns for protecting home users domestic workers:

Article (52) of the constitution stipulates that "Every person, legally residing in the State, enjoys protection of his person and property, according to the provisions of the law "as well as the legal protection provided by the security services under the penalties and criminal procedures laws, as well as enabling domestic workers to complain (the Equity and Confidence Building Program).

The legislator also provided his protection for this category in the Qatari Penal Code issued by Law No. (11) of 2004, which punishes anyone who commits bodily harm, cruel treatment, or economic exploitation of a person in a vulnerable situation.

The Qatar Foundation for Social Work has launched the "Comprehensive Safety House" of the Protection and Social Rehabilitation Center "AMAN" one of the centers under the umbrella of the Qatar Foundation for Social Work, which represents an

integrated shelter and a comprehensive social and healthy environment for protection and rehabilitation services for target groups, including victims of human trafficking. The house is an integrated complex consisting of more than 30 real estate units dedicated and equipped with comprehensive accommodation services, providing their inmates with a "temporary" shelter service that accompanies a well-thought-out rehabilitation plan. Villas from the aforementioned units are specifically designated for trafficking victims - male and female alike, each capable of caring for 20 people. The shelter process begins with four basic phases, starting with the reception phase, which deals with the initial evaluation of each case and determining its need for shelter, then the entry phase and specifies the rights, duties and requirements needed to house the victim, and the rehabilitation plan phase that sets the detailed framework for the rehabilitation phase in the home, and then the integration phase in the family. Return the visitor to his natural environment in his family and community.

A worker is allowed to renew ID cards and work permit if the work contract is valid, which is consistent with the implementation of the recommendation of the working group No. (103).

#### **D. Civil society:**

With regard to paragraphs (85), (86), (87) and (88), Law No. (12) of 2004 regulated private associations and institutions, the right of natural or legal persons to participate in establishing an association aiming to organize human, social or Cultural, scientific, professional or charitable, provided that its objectives are not to achieve material profit or engage in political matters. It is estimated at one thousand Qatari riyals for the charity, fifty thousand for the establishment of the professional association, in addition to ten thousand riyals annually to renew the license. The condition of nationality and number of founders may be excluded by a decision of the Council of Ministers "when necessary, in accordance with the requirements of the public interest, and based on the minister's proposal." Among the conditions for establishing associations is for the founders to submit proof that they have a headquarters contract for the association or an acknowledgment that they will provide a headquarters for it, if it is established. It is clear from that there are no restrictions on establishing associations aiming to organize humanitarian, social, cultural, scientific, professional or charitable activity. Where Law No. (10) of 2010 was issued amending some provisions of Law No. (12) of 2004 regarding private associations and institutions, which stipulated that the Ministry of Administrative Development, Labor and Social Affairs within thirty days from the date of submitting the registration application and the month, and in

accordance with the requirements of the public interest, that Rejects this request with a reasoned decision, or request the introduction of amendments it deems necessary to the articles of association. The elapse of this period without a response is considered an implicit rejection of the aforementioned request. The founders may, within thirty days from the date of notifying them of the rejection decision, or the amendment, or from the date of implicit rejection, grievance to the minister who submits it, accompanied by his opinion, to the Council of Ministers within the next thirty days. The decision issued by the Council of Ministers to decide on the grievance is final. In other words, the legislator in amending the law, even if it requires the approval of the ministry to register, has created the possibility of grievance against the rejection decision before the Minister of Administrative Development, Labor and Social Affairs, and required the minister to present the grievance to the Council of Ministers with his opinion within a specified period of 30 days. The new amendment to the law also allowed the Council of Ministers to, when necessary and in accordance with the requirements of the public interest and based on the proposal of the Minister, approve the establishment of associations that do not meet some of the conditions stipulated in the law.

Since the issuance of the Private Associations and Institutions Law No. (12) of 2004, and the amending laws thereof, no official has been rejected for any association that applied for registration and publicity, and no association has been dissolved by a government decision, and no penalty of imprisonment or a fine has been applied. Whereas, the role of the Ministry of Administrative Development, Labor and Social Affairs was limited to licensing, supervising and controlling the requirements of the public interest imposed by the global regulatory rules for dealing with civil society institutions, especially with regard to combating money laundering and terrorist financing, and ensuring that no dealings with informal entities, and not allowing them to receive money from abroad To avoid being a cover for terrorist organizations or money laundering gangs, which is corresponds with to the implementation of the team Group recommendation No. of the working group(104).

In conclusion, the State of Qatar reiterates its thanks to the Working Group on Arbitrary Detention and reiterates its commitment to cooperating with it within the framework of its mandate, emphasizing the importance of cooperation with the owners of special procedures and the Human Rights Council.

It affirms its continued support for the mandate of the Working Group and endeavors to consider implementing the recommendations issued by the Group.