



ngo group for the crc

## STATE PARTY EXAMINATION OF QATAR'S SECOND PERIODIC REPORT

52<sup>ND</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
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*Qatar ratified the Convention on the Rights of the Child (CRC) on 3 April 1995. On 29 September 2009, the Committee on the Rights of the Child (the Committee) examined the second periodic report of Qatar. It was last examined on 2 October 2001. The State party has reservations on articles 2 and 14 of the CRC, as it considers that these provisions are inconsistent with Sharia law.*

### Opening Comments

The delegation of Qatar was led by H.E. Saif Mugaddam Al Buainain, the Minister's Assistant of the Ministry of Foreign Affairs. He was supported by a large delegation consisting of high-level representatives of the Ministry of Foreign Affairs, the Higher Council for Family Affairs, the Ministry of Interior, the Qatar Foundation for the Protection of Children and Family, the Higher Council for Education, the Qatar Foundation to combat Trafficking, the Ministry of Justice, the Hamad Medical Corporation and the Permanent Mission in Geneva.

H.E. Al Buainain emphasised Qatar's commitment to the CRC and noted that the report was the outcome of a consultation with all the bodies working with children. Following the previous review and concluding observations, there was increasing awareness of child rights. In addition, there were many developments, such as strengthening the voluntary foundations

operating in the field of childhood, introducing legislative reforms, revising policies, developing monitoring and complaints mechanisms. The child was considered to be the nucleus of society, so children were prioritised in development planning. New foundations had been created to ensure children's survival, safety, development and protection from violence.

The head of delegation noted the increased coverage of primary healthcare and enrolment in education, improvements in standards of living and reductions in infant mortality. In addition, article 20 of the Constitution provided that the family was the basis of society, so care should be provided to mothers and children, while article 22 protects children from exploitation and neglect. The State party had also ratified other international treaties that provide greater protection for children, including: the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of Discrimination against Women (CEDAW). To implement the provisions of the CRC, important legislative amendments were introduced and steps had been taken to ensure complete harmony with the Paris Principles. There was also a strategic structure to translate legislative protection into policies and programmes. Furthermore, various centres were established, such as: the Shafala Centre for Children with Special Needs (2002), the culture centre for mothers and children (2003), the Qatari Foundation for Orphans (2003) and the Qatari foundation to combat Human Trafficking (2005).

Despite the developments, there were challenges in implementing some of the provisions. For instance, the legislation was quite new and human resources needed to be developed. They aimed to strengthen human rights through training and better capacity.

The Country Rapporteur, Mr. Filali, acknowledged the efforts made since the last examination (2001) and noted the recent examination of the initial reports on the OPSC and OPAC. He commended the State party for the creation of the United Nations Human Rights Training and Documentation Centre for the South-West Asia and the Arab region. Mr. Filali remarked on the recent ratifications of international instruments such as CEDAW, an ILO Convention and the CRPD. However, he questioned the nature of the partial withdrawal of the general reservation on the CRC (March 2009) and the new reservations on articles 2 and 14. Given article 34 of the Constitution (non-discrimination principle), he did not understand the new reservation to article 2 of the CRC. He highlighted recently enacted legislation, including Act 3 (2009) regarding penal institutions, Act 24 regarding residence and sponsorship of migrants, Act 22 (2006) regarding the protection of children and the Code and Criminal Procedure Act. However, he noted that the children's bill had not been finalised and asked when it would be adopted. While there was progress in legislation, there was limited information on the implementation of the new laws, such as the one prohibiting camel jockeying. He also requested information on the National Human Rights Committee and the existing mechanisms to receive complaints and carry out investigations. Finally, Mr. Filali asked whether children of non-Qatari citizen (e.g. migrant worker, refugees or foreigner workers) had the same rights as Qatari children.

Ms. Varmah, the co-Rapporteur, noted that the age of marriage and employments were unclear under Qatari law and appeared to be different for boys and girls. She also enquired about the existing measure to prohibit corporal punishment in the home and centres linked to courts. While a child could not be sentenced to capital punishment, corporal punishment was a lawful sentence for a crime (e.g. flogging, stoning and amputation). This was a particular concern, because it was lawful for children above the age of 15. She also enquired about the transfer of nationality from the mother to the child (especially if the father was a foreign

national). She specifically wanted to know if a child could end up stateless if the father could not transmit his nationality while living abroad. Finally, she requested more information about birth registration in rural and urban areas, especially for children born out of wedlock or to non-Qatari parents.

## **General Measures of Implementation**

### ***Legislation***

In response to the Committee's concern regarding the reservations to articles 2 and 14, the delegation answered that Sharia law was the main source of legislation. If an article was inconsistent with Sharia Law, Qatar had a reservation on it. The delegation noted its commitment to the CRC and added that the government tried to include provisions of the CRC in Qatari law.

According to article 68 of the Constitution, conventions had legal status, but they were not superior to domestic law. The Committee therefore enquired which one prevailed and wanted to know if the provisions of the CRC could be applied over those of domestic law. The delegation answered that the CRC was at the core of every legislative decision. The Committee also asked for examples of judges referring to the CRC, and whether cases of care and custody were based on the best interest of the child rather than age criteria. The delegation did not address this question.

In response to the Committee's question about the children's bill, the delegation explained that it was very comprehensive. There had been a review of national legislation, which had involved institutions responsible for children's issues.

As a result, there had been a long process to ensure the inclusion of all children's rights. The revision of this bill was the reason for its delay. The bill had been drafted and the government had made remarks, so it should enter into force in 2010.

### ***Implementation and Monitoring***

The Committee asked whether there was a body to implement and monitor the CRC. The delegation responded that the Supreme Council for Family Affairs was responsible for the implementation and monitoring of the CRC. The Prince himself supervised this institution. It was a supreme body, so it was concerned by its own strategies as well as other state bodies. The Council revised legislation and bills and controlled the Optional Protocols (OPs). It cooperated with relevant government authorities and civil society institutions to ensure the respect of the rights of the child. Moreover it organised training courses and workshops and launched initiatives in the field of children's rights.

The Committee also asked about budget allocation for children. It wanted to know if the State budget showed the allocations to issues such as health or to vulnerable groups. The delegation responded that the Supreme Council created a great number of children's rights institutions.

The Committee appreciated the efforts to ensure the dissemination of the CRC and its publication in the official gazette. However, it enquired if these dissemination efforts had reached families and whether the latter used the principles of the CRC to bring up their children. It also asked if this led to different attitudes regarding the legal rights of girls and boys. The delegation explained that in the latest dissemination campaign, there was a programme aiming to teach children's rights to both parents and teachers. As part of the campaign, there was a manual for parents, which explained the fundamental rights of children and how they can become a reality at school and at home. The second phase was geared to

**Comment [L1]:** You can't say that they avoided it, as you are interpreting what they did.

teachers. It included articles of the CRC as well as guidelines on teaching child rights at school. Regarding dissemination, the delegation noted that children's rights were part of the curriculum of military and religious schools. The Committee asked if there was a manual linking the CRC and Islam, and if there was one, it asked if it identified areas of conflict or divergence between the CRC and Islam.

The Committee asked if civil society organisations existed in addition to the foundations. Some were mentioned in the report, but there were no names and it was not clear what they worked on. For instance, the legal status and the link to the government of foundations such as the Qatari Foundation for the Protection of Children and Women were unclear. The delegation explained that the main area of work of the foundation was to address violence against children and women (in accordance with the principles of non-discrimination). The foundation receives complaints for any kind of abuse or neglect, including sexual abuse, discrimination and violence. The foundation provided social, legal and health services, shelter for victims as well as psychological treatment and rehabilitation. The foundation was based in Doha, but it can act in different areas of the country within hospitals and schools. While the foundation was established by the government and guided by public interest, but it had an independent personality. The foundation received funds from the government and the private sector and cooperates with various institutions. For example, the Hamad Medical Corporation often sent victims to the foundations, after treating them. The foundation also collaborated with international organisations such as UNICEF, UNESCO, the Red Cross and John Hopkins University. For instance, the latter helped Qatar raise awareness about human rights. The delegation concluded by saying that the foundation respected the best interest of the child and applied the principles of the CRC.

The Committee asked how the Family Code was applied to non-Muslims family. The delegation answered that non-Muslim had their own code. However if they wanted to, they could be subject of the Qatari Family Code. In addition, the Committee asked if the National Human Rights Committee was in line with the Paris Principles. The delegation explained this committee was compliant with it. It added that it was composed by both representatives of civil society and members of the government.

Regarding the National Strategy for children 2008-2013, it has yet not been adopted. The Committee enquired if the strategy included children of foreign workers. The delegation answered that every children was taken in account in the Strategy and it should be adopted in the near future. The coordination of different actors was complicated and caused delays in the adoption of this strategy.

### **Coordination**

The Committee asked whether NGOs and children had participated in the drafting of the report. There was a list of institutions that participated in drafting the report mentioned at the end of the report, but it did not appear to include civil society organisations. The delegation stated that both International Organisations and experts took part in the reporting process. The delegation did not mention children's participation in drafting the report. The Committee also had questions regarding the views of the children, but it was addressed in the written replies. The delegation added that coordination between institutions was needed to collect data and would ensure the further implementation of the CRC and the respect for human rights.

## **Definition of the Child**

The Committee asked detailed information about the definition of the child. This issue was addressed thoroughly in the second periodic report, but due to the Sharia law, there were still some contradictions in some areas that need to be cleared.

The delegation answered that under the article 49 of the Civil Code and more recently under the article 88 of the Family Act, the child was everyone below 18 years of age. It further explained that in some areas, there were minimum age differences between boys and girls. The Committee asked whether it was discrimination, but the delegation simply stated it was part customs and traditions of Qatari society and that nothing prevented further changes in the future.

Regarding the minimum age of marriage, the delegation answered that before 2006 there was no limit of age. Since 2006, the minimum was 16 for girls and 18 for boys. The Committee noted that a single age to define the child would be more in compliance with the CRC. However having a minimum age for marriage under the Family Act was already a huge change and achievement for the State Party. In addition, the delegation stated that early marriages were reducing because the rate of working woman is increasing.

For custody, the minimum age was 13 years old for boys and 15 years old for girls. The delegation added that the judge was committed to consider the best interest of the child and children, both boys and girls, were listened to for custody at any age. The delegation continued to explain that when the child reached 18, or if the eligibility has been revoked, the right of custody could be withdrawn.

## **General Principles**

### ***Non-Discrimination***

In response to the Committee's question about discrimination between Qatari nationals and other national, the delegation answered that every child (Qatari or foreign) was equal before the law. The Committee specifically asked whether refugees, migrant workers and foreigners living in Qatar had access to health and education. The delegation emphasised the principle of non-discrimination for children. All policies and strategies took into account this principle as well as the rights of non-Qatari children. The delegation also explained that custody was always given to the mother, regardless of her nationality.

### ***Right to life***

Regarding articles 79 and 80, the measures in provision to right to life were clear in the report. However the Committee noted there was no mention about accidents and suicides. Although the delegation did not answer about suicides, it gave a precise account of accidents. The delegation said the State party launched a campaign in April 2007 regarding road accidents. This was followed by a campaign regarding special children seats and the implementation of traffic laws. Emergency medical assistance was created in order to address household accidents such as poisoning.

### ***Respect for the views of the child***

The Committee observed that the right to have an opinion was not clearly explained in the report. It seemed that the article 12 of the CRC was more about the rights of child to be heard,

but not necessarily taken in account.

The Committee asked what kind of measures was taken to create platform for children to express their views. The delegation explained children were encouraged to express their opinions. For example, measures were taken for children to rate their schools, and then the Higher Council of Education published the results. In addition a hotline was created in order to give legal and psychological help in cases of neglect.

## **Civil Rights and freedoms**

### ***Nationality***

The Committee asked whether the Nationality Code was discriminating non-Qatari citizens. The delegation said that under the Nationality Code, promulgated in 2005, everyone who was born from a Qatari father was given the Qatari nationality. Moreover, if a child was born out of wedlock, or of unknown parents, he would also be granted the nationality. The Committee was concerned whether a child born from a Qatari women and a foreigner would be granted the nationality. The delegation answered that the child would be given the nationality, but through naturalisation. The delegation added that the Qatari Nationality Code did not discriminated naturalized from born Qatari citizens. The Committee noted that this difference was discriminating women and reminded that the State Party just ratified the CEDAW.

### ***Birth registration***

The Committee enquired about birth registration. The delegation explained that all births were registered both in and outside the country within 15 days (30 days when outside the country). Children of unknown parents had to be registered too to guarantee their rights. These children had equal rights as other children; they received care and education too.

### ***Freedom of expression***

The Committee asked about freedom of speech for children in the State Party. The delegation said that children could express themselves freely. Schools encouraged them to give their opinions in different ways (polls, feedbacks, etc). The delegation added that the group Al Jazeera had a channel dedicated to children.

### ***Children born out of wedlock***

The Committee asked whether a child born out of wedlock would have similar rights as other children. The delegation explained children born out of wedlock could enjoy all their rights. Moreover they were not punished for their situation and treated as every child. It added that if the mother of the child was known, the child would carry her name. If the father was unknown, the state would care for the child until an alternative or a foster family was found.

## **Family environment and alternative care**

### ***Separation from parents***

The Committee asked whether the best interest of the child were respected in custody. The delegation answered the best interest of the child was always applied in the customary law. Moreover the custody of a child was always given to the mother. More details regarding age in custody are provided under the cluster –Definition of the child-.

### ***Adoption and Kafala***

The Committee enquired about domestic and international adoption. The delegation explained that adoption was not allowed under Sharia law. However the State Party had adopted a similar process, replacing adoption. It is called Kafala, meaning guardianship. Kafala offered to orphans a family caring for them. The Committee wondered if the CRC principles were respected within the framework of the Kafala. The delegation simply said that one should not worry about children under the Kafala.

## **Basic health and welfare**

### ***Health***

The Committee was concerned about eating disorder and sexually transmitted diseases (STDs) in the State Party. The delegation explained there was a rising percentage of obesity among adolescents. Efforts were carried out and clinics were created to assist the psychological health of these adolescents. Moreover, in 2012, a new hospital will be inaugurated providing paediatricians and psychologists specially trained for adolescents. Regarding STDs, adolescents could consult a specialist without the presence of any member of their family. These services were available in many hospitals.

The Committee noted that the fertility rate among adolescents was reducing. The delegation explained this change as a positive indicator.

### ***Breastfeeding***

The Committee asked about measures to encourage breastfeeding. The delegation developed its programme to increase the breastfeeding rate: 2 fully paid months maternity leave was automatically granted after the child's birth. Upon request, mothers could have up to 3 years maternity leave with special arrangements in order to ensure breastfeeding and upbringing.

### ***Children with disabilities***

The Committee asked about measures to protect the rights of disabled children. They added that the State Party gave great attention to the Ministry of Social Affairs; hence the Committee asked if these services included disabled children. The delegation answered that these children received special healthcare provided on all levels. It provided specialist in many areas to rehabilitate these children. It established tests for early detection. The Committee wanted some data regarding disabled children. The delegation promised to send all the statistics available. Regarding the education of disabled children, the delegation said that various laws and measures were established to ensure the opening of schools for children with special needs. It added that guidelines were given to both parents and teachers in order for them to know how to deal with the situation.

### ***Poligamy***

The Committee enquired how the best interest of the child could be applied with institutions such as polygamy. It noted it must be difficult to care for every single child because of this situation. The delegation answered polygamy was becoming less common in the state.

## **Education, leisure and cultural activities**

### ***Education***

The Committee enquired about the nature of the Academy of leaders. The delegation explained it was not a military school, but an establishment meant to train the future leaders of the State Party. As it was a boarding school, there was an only boys policy. The Committee enquired about the level of awareness in schools regarding the CRC. As mentioned previously, the State Party made tremendous efforts to ensure the knowledge and understanding of the CRC and human rights principles in Qatari schools. As such, the National Committee of the Human rights appropriately trained teachers.

## **Special protection measures**

### ***Corporal punishment***

The Committee asked if the State Party took measures to prohibit corporal punishment. The delegation said that corporal punishment was banned from prison and institutions. Since 2003, the Prisons Regulation Act ensured the well being of prisoners, especially children; since 2001 there were regulations and conduct codes aiming counselling and disciplining children. Moreover programmes to guide families in prohibiting corporal punishment were implemented. Schools raised awareness about violence at home and social workers were present in schools for counselling. Schools no longer used corporal punishment to discipline children, they alerted the child orally of his bad behaviour. Then the school wrote a notification to the parents and dismissed the child for a temporary period of time. In homes, guidelines were disseminated to ban the culture of corporal punishment.

### ***Juvenile Justice***

The Committee asked about Juvenile Justice in the State Party. The delegation explained that the penalty code on juvenile justice made efforts to prevent juvenile delinquencies. Penalties stipulated that young delinquent stayed in shelters, receiving a monitored education. Many measures and procedures were followed in case of child delinquency. The delegation further explained that there were two stages in Juvenile Authority: firstly there was gathering the evidence and interrogation by prosecution; secondly, there was a specialized trial. The delegation explained that all the people involved in Juvenile Justice were appropriately trained.

The Committee was concerned by the conflict between the CRC and the Sharia law regarding the age of criminal liability. The delegation answered that according to the Sharia law, the age of majority was 16. Moreover under the article 7 of the Juveniles Act, a child below 7 years of age was not criminally responsible. For now, a child above 16 years of age was criminally liable, meaning that a child from 16 to 18 years old could endure corporal punishment as of today. Children from 7 to 16 years old were also criminally liable. Although the delegation added that children received lighter punishment than adults. The Committee commended for the State Party to rise the age to 18 years old, as general reservations on the CRC were partially withdrawn. The delegation explained this issue was currently being debated in the State Party; as such it could not give a clear answer.

### ***Refugee children***

The Committee asked about the status of refugees in the State Party. It asked whether the State party had any special legislation or administrative regulations regarding refugees, such as the 1951 Refugee Convention. Furthermore the Committee asked whether refugees enjoyed the same services as Qatari nationals. The delegation denied the existence of refugees in the State Party. It explained that Iraqi and Palestinian families were living there not as refugees, but as permanent residents. Thus they enjoyed the same rights and services as Qatari



children and families. It added that the State Party did not live on the border of a conflict so had no issue with refugees. The Committee commended them to gather more data concerning this issue.

### ***Sale and trafficking***

The Committee asked whether the laws addressing sale and trafficking were applied. Moreover it enquired about the legislation regarding the economic exploitation of children. The delegation answered that the State party created the National Office to Combat Human Trafficking in 2005. This institution was responsible for establishing policies, measures and plans to further combat human trafficking.

### ***Sexual abuse and exploitation***

The Committee raised its concern regarding sexual abuse. It asked what kind of provisions were in place to protect children from such abuse. It also asked whether the state provided support for the child witness. The delegation reiterated that the Qatari Foundation for the Protection of Children and Women was established to protect children from any kind of abuse, including sexual. The Foundation provided social, legal and health assistance. To address sexual abuse, the Foundation could receive complaints; assist children in legal procedures thanks to the cooperation of 19 volunteer lawyers. The State provided shelter for victims and witness of such abuse.

### ***Camel Jockey***

The Committee was concerned regarding children involved in camel racing. The delegation explained that this practice was eradicated since the promulgation of the Camel Jockey Act (2005) prohibiting anyone to hire children as camel jockeys. Robots were introduced instead. Regarding the children who used to work as jockeys, they have been repatriated to their home country, Sudan, where they have been resettled within their tribes.

## **Concluding remarks**

The country co-Rapporteur, Mrs. Varmah, found the dialogue meaningful. The Committee estimated and acknowledged all the efforts carried out by the State Party since the last periodic review. The Committee recommended the State Party to withdraw entirely its reservations on the CRC. It also reminded the State Party to send all the data regarding children with disabilities and refugees. Moreover it noted that further efforts in unifying the definition of the child in every aspects of the daily life, especially regarding criminal justice were particularly needed. The Committee concluded by thanking the State party for its commitment to the CRC.

The delegation appreciated the transparency of the dialogue. It reiterated the promise to continue further implementation and monitoring of the CRC and OPs. Moreover, the delegation confirmed it would improve its government policies by disseminating the Committee's recommendations to relevant bodies.