



ngo group for the crc

## STATE PARTY EXAMINATION OF QATAR'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

42<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) in 1995. The Optional Protocol on Sale of Children, Child Prostitution, and Child Pornography (OPSC) was ratified in 2003. On 17 May 2006, the Committee on the Rights of the Child (the Committee) examined Qatar's report on the OPSC.*

### Opening Comments

H.E. Abdulla Bin Nasser Al-Khalifa, Secretary General of the Supreme Council for Family Affairs (SCFA) headed the delegation. He highlighted rapid development in human rights protection and stated that children's rights were a top priority. A number of steps had been taken to protect women against violence in homes, schools, and the community. He highlighted Law 22 (2005) that banned bringing, employing, and training children for camel races as well as a Qatari house for lodging, protecting, and rehabilitating trafficked persons. The SCFA set up mechanisms for the protection of children and women that included a hotline to receive complaints and give necessary assistance. Training workshops raised awareness about the CRC. With UNESCO, the SCFA worked to promote a child rights culture at educational level and protect education material in line with both the convention and Sharia.

The country rapporteur, Mr. Kamel Filali, welcomed the delegation. The positive developments were proof of its commitment to the obligations under the CRC. He commended Qatar for being among the first to ratify the OPSC. He cited the adoption of the new Constitution and the revised penal code including new legislation forbidding the recruitment and participation of children in camel racing. He expressed concern with delays of ratification of an international criminal treaty that

would enhance the progress already made. He also expressed concern about reservations made during accession relating to the non-application of provisions not in harmony with Sharia.

## **Legislation**

The Committee expressed concern about reservations made during accession relating to non-application of provisions going against Sharia and asked if they were withdrawn in 2004 as intended. The delegation replied that a committee was set up to examine the OPSC. It was responsible for withdrawing reservations on the condition that it could flag important points for discussion in the ministerial cabinet. The cabinet would provide answers in the near future. The Committee asked whether the OPSC was published in the gazette. The delegation replied that Article 68 stated that conventions had the power of law nationally as well as abroad to ensure that offenders did not escape justice. The Committee asked if there were compensation mechanisms which provided for child victims who were not compensated by Sharia. The Committee referenced 279, 280 and asked why only female children were mentioned with regard to sexual exploitation and assault. Neither of these questions was addressed.

## **Jurisdiction**

The Committee asked about crimes related to the OPSC committed abroad. It asked whether Qatar still had jurisdiction if neither the victim nor offender were Qatari. The delegation replied that Article 17 applied to all residents, whether Qatari or people in transit, bearing in mind the offence in question were committed abroad. The Committee asked about the provision of the protocol concerning Qatari nationals abroad. It referenced article 18 which stated that a national who committed an offence considered to be paedophilia would be prosecuted on his return. It asked whether he was tried in Qatar or in the country where the offence occurred. This question was not addressed. The delegation said that competence was extended beyond borders to cover crimes including all crimes covered under the OP.

## **Awareness and Implementation**

The Committee recognised that the OP was related to sensitive issues when it came to the Middle East, but stressed that child prostitution and child pornography could not fail to be mentioned. It asked how the State planned to raise awareness about the content of the OP at local level. The Committee also asked what preventative action was taken and how the media was used to discuss the question of trafficking. It asked if there was a targeted campaign to reach the most vulnerable groups like migrant children. The delegation said that awareness was raised through workshops set up by the SCFA with families, teachers and other professionals. It also said that awareness was raised through the Internet since young people were the most frequent users. It also emphasised the importance of warning children of the dangers of the Internet. The Committee asked to what extent children took part in activities at local level within the framework of implementing this OP. It also asked if children's opinions were taken into account, bearing in mind that it should be the case.

The Committee again recognised the sensitivity of issues dealt with in the OP, but expressed concern about information received that efforts to prevent and eradicate child exploitation and prostitution were not sufficient. It added that when a government was enlightened and truly wished to protect the children, it was duty bound to make people aware of crimes to which children may be a victim and teach families how to protect children.

## **Coordination**

The Committee asked for clarification on the makeup of the SCFA. The delegation replied that the SCFA was a government apparatus that followed the directions of the Emir directly. It consisted of a number of committees and programmes. An institute for the protection of women and children (the Institute) was set up on orders of the Sheika to protect against vices, resolve problems, and protect children affected by criminal behaviour. It was independent, and consisted of many departments to

gather data, information and complaints. It collected and processed complaints with the cooperation of certain State institutions to ensure the respect of provisions of international conventions. The Committee asked about the role of NGOs in the various committees. The delegation replied that a number of programmes were undertaken with NGO participation, such as CRC training and workshops. NGOs and civil society were always involved. They clarified that national consultations were held to devise a national plan for children and all the ministries and civil society were invited to participate. The delegation said that 6 independent institutions were established related to civil society. The Committee asked if the National Human Rights Committee had a youth specialty or specialist. This question was not answered.

## **Support for Child Victims**

The Committee asked about the procedures for children to lodge complaints. The delegation replied that the National Human Rights Committee and the Institute received complaints and worked together with other State institutions or representatives of civil society. The complaints were investigated and evidence was gathered to determine the domain — police, prosecution or another authority. For clarification, the Committee asked if it acted as a sort of bridge. The delegation replied that the prosecution, police, social workers and health professionals were all brought together in one place to save time. Over coming months, the procedure would be more broadly established. Confidentiality was maintained up to the age of 17. The Committee noted that a large part of funding and support went to orphans and expressed concern that homeless children and victims of other crimes such as child pornography and trafficking were not considered to be victims in the same way. It emphasised that these children may be worse off and that a larger budget should be allocated. The delegation replied that assistance was provided through a specific fund whenever compensation was payable. The Committee asked for statistics but none were provided.

The Committee asked about a framework for rehabilitation and treatment that was culturally sensitive. The delegation discussed a centre established to provide counselling, support, and legal advice to women and child victims. The centre offered physical activities, facilities for mothers and children who suffered from any type of ill treatment. It also contained a family consultation centre that provided advisory service, protection and referred the matter to the appropriate authorities. The Committee asked if separate branches were established throughout the country. The delegation replied that one such centre existed, but plans existed to establish additional centres. It mentioned attempts to set up awareness raising programmes for women and children particularly regarding family affairs. An agreement was established with the administration of mosques to develop a programme within the religious context. The Committee asked about the characteristics of psychosocial assistance provided to treat child victims and the records of the number of children who received this assistance. The Committee asked about the training of people who were part of these programmes and asked about updating and developing the programme. It also asked which professions participated in training. These questions were not addressed.

The Committee expressed concerned with the cultural problem of social stigma attached to victims. It asked how this issue was addressed and if the family was involved. The whole family received counselling, and moral and social support was provided. The question of social stigma was not addressed.

## **Statistics**

The Committee expressed concern that there were insufficient statistics and data concerning children victims of crimes under the OPSC, including a noticeable absence of statistics on child prostitution, child pornography, and foreign children within the territory.

### **Juvenile Participation in Court Proceedings**

The Committee asked twice about the issue of the sale of children and child pornography and expressed concern about the different lengths of prison sentences, enquiring if a shorter sentence for

child pornography implied that it was a less serious offence. From the delegation's response, it appeared that child pornography was characterised as a lesser offence than child trafficking, but the question was not clearly answered. The Committee asked about new guidelines with respect to justice for children who were victims of crimes and the existence of a legal framework to ensure the protection of children who were victims or witnesses. It also asked about the position of victims within legal proceedings and whether the establishment of the child's status was a matter for the police, legal practitioners or government authorities. The delegation replied that the State differentiated between children who were victims and those viewed as perpetrators. A special centre was dedicated to protect victims. In the case of a minor that committed a crime, the centre could work jointly with the police or an authority with a specialist mandate to take a child into custody of the State. It remained unclear whether the protection of the victim in the judicial process fell to the judiciary or police. The Committee asked if judges received specific training but no response was given.

## **Pornography and Sexual Exploitation**

The Committee thanked the delegation for the information on domestic sexual violence, but clarified that any kind of abuse without a commercial element was not subject to this OPSC. It was more interested in situations where children were exploited for financial gain, but had no data. The delegation thanked the Committee for the clarification and replied that as Qatar was a conservative Muslim country religion and custom did not allow such things. In addition, since the economic situation was stable there was no attraction to such practices. The Institute received cases concerning rape and sexual harassment, but nothing in the framework of bandits or organised groups. The Committee was aware that there was a large non-Qatari population and mentioned that the kind of exploitation covered by the OPSC might exist and remain undetected within this community and requested information. They did not respond.

The Committee asked about the broad definition of pornography and if virtual imagery and cartoons were included in this definition. The Committee asked which jurisdiction it fell under. The delegation replied that the penal code applied a sentence relating to all kinds of indecent acts whether they were on the Internet or related to cartoons. In the latter case legislation could be applied. The Committee expressed concern that children who may be engaged in sex with other children might be caught under a certain provision and subject to deprivation of liberty or life imprisonment. The delegation replied that sexual relations between a man and woman, who are not linked through matrimony, could be subject to prison sentence of fifteen years. Adolescents who committed sexual acts outside marriage were subject to legal proceedings, but sentences could be adapted and the situation was studied on a case-by-case basis. Those involved might be required to follow special training sessions to correct their behaviour.

## **Trafficking and Sale of Children**

The Committee pointed out that though the sale of children may be strictly prohibited under law, practical problems could exist, such as camel jockeys. The Committee commended the State for the efforts on the camel jockey problem and asked for an idea of the current scope of the problem. The delegation discussed Act 22 (2005) that prohibited the use of children as camel jockeys and said that all former camel jockeys were returned to their home state. The Committee asked about the treatment of former camel jockeys. The delegation said that the State tried to rehabilitate all victims.

The Committee asked about children being trafficked for purposes other than camel racing and the measures taken to combat them. The delegation replied that much was done to combat trafficking. In 2003, on instructions from the foreign minister, a foundation was established to combat trafficking in persons and care for victims. A reception centre for combating trafficking was established in 2005 in compliance with the declaration on human rights observance. The phenomenon was publicised in schools as well. The Committee asked whether sanctions metered out in relation to child trafficking were sufficient and asked if there was a mandate in this area. The delegation replied that research

and programmes that involved legal practitioners and police were being set up to combat child trafficking. The delegation added that Qatar had a good economic situation and thus child labour was not a problem. The Committee asked about the large non-Qatari society and their situation, but this issue was not addressed.

### **Internet**

The Committee expressed concern about a lack of provisions concerning regulation of the Internet. It asked for more details on laws concerning the Internet, cyber crime and related areas. Issues related to the Internet were not addressed.

### **Closing Remarks**

The Committee thanked the delegation for its responses and said they provided a more complete picture, particularly regarding the trafficking of children. Achievements were great and the delegation proved that the political will as well as financial and human resources were present. It stressed that the main objective was to raise awareness about issues contained in the OPSC.

The head of delegation thanked the Committee for a constructive and fruitful dialogue. The political will existed and the State looked forward to the recommendations and putting them into practice. He highlighted plans to spread training courses and seminars related to the OPSC. He expected the UN training centre in Southeast Asia to help with the implementation.