

QATAR

HUMAN RIGHTS CONCERNS LINGER INCLUDING ILL- TREATMENT OF MIGRANT WORKERS, WOMEN AND DETAINEES

*Amnesty International
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INTRODUCTION

This submission, was prepared for the Universal Periodic Review (UPR) of Qatar in May 2014 and has been updated as of April 2014. In this submission, Amnesty International evaluates the implementation of recommendations made in the previous cycle of the UPR, assesses the human rights situation on the ground, and makes recommendations calling on the government of Qatar to act on key institutional and human rights concerns.

Although Amnesty International welcomes certain institutional and legislative reforms and amendments made since the previous UPR, including those related to protection against torture and human trafficking, the organization remains deeply concerned about the non-implementation of accepted recommendations, particularly those related to freedom of expression, the rights of migrant workers including domestic workers, gender-based violence, torture and other ill-treatment, and corporal punishment.

The organization notes with regret that the right to freedom of expression is not fully guaranteed in Qatar. Also, domestic legislation on the rights of migrant workers is discriminatory and open to abuse, facilitating labour exploitation, which can amount to forced labour, and human trafficking. Gender-based and sexual violence is reported, including by migrant domestic workers. Domestic violence is not specifically criminalised, while victims of sexual abuse may be deterred from reporting sexual abuse to the authorities for fear of being charged with “illicit relations”. The organization also notes with regret that despite recent changes to legislation on torture and ill-treatment, incidents of torture continue to occur, including against detainees. Legislation on pre-trial detention is used to restrict the rights of detainees. Corporal punishment continues to be reported and Amnesty International has found evidence of “flogging” being used as punishment in detention.

FOLLOW UP TO THE PREVIOUS REVIEW

Of the 112 recommendations made by member states of the Human Rights Council during its first UPR in 2010, Qatar accepted 87 recommendations and rejected 25.¹

Amnesty International welcomes the openness with which the Qatari authorities have engaged with various United Nations mechanisms and treaty bodies, the passage of a new law combatting human trafficking, and the recent amendment to the definition of torture in the Penal Code in alignment with Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The establishment of institutions and facilities, including shelters and hotlines, to assist victims of torture and other ill-treatment, and other human rights violations is also seen as a positive step. Regretfully, however, a number of accepted recommendations remain unimplemented, notably those which recommend enhancing the legal framework to prevent domestic violence and protect its victims.²

Qatar's rejection of recommendations to sign and ratify key human rights conventions and instruments,³ and lift its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on guaranteeing women equal rights specifically with regard to marriage, divorce and passing on citizenship to their children, continue to be issues of concern.⁴ Finally, Amnesty International regrets that Qatar refused to establish a moratorium on the death penalty with a view to its abolition,⁵ and to amend its Penal Code to ensure that LGBT persons are not discriminated against.⁶

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION, AND ADMINISTRATIVE AND INCOMMUNICADO DETENTION

Freedom of expression is strictly controlled in Qatar, and the press routinely exercises self-censorship. The right to freedom of expression is further curtailed by the 2004 Gulf Cooperation Council (GCC) Convention for the Suppression of Terrorism, to which Qatar acceded in May 2008, and whose provisions risk criminalizing legitimate activities. The government has recently moved to further tighten its control over freedom of expression through new cybercrime and draft media laws. If approved, the new media law would require all publications to be approved by a government-appointed "competent authority" empowered to remove content or prevent printing.

Under Qatar's Code of Criminal Procedures, detainees must be charged or released within 48 hours following arrest, unless a prosecutor extends their detention without charge for up to a further 16 days, after which they must be brought before a judge. The Code also stipulates that detainees must be informed of their right to contact whomever they wish. However, these guarantees do not apply where individuals are detained under Law No. 17 of 2002 on the Protection of Society and Law No. 3 of 2004 on Combating Terrorism.

Those detained under the Protection of Society Law can be held without charge or trial for up to six months by order of the Minister of Interior acting on the recommendation of the Director General of Public Security. Such administrative detention without charge or trial may be extended for up to two years at the discretion of the Prime Minister. Article 3 of the law provides that detainees or their relatives may appeal in writing to the Prime Minister against the detention or its renewal. However, detention is not subject to any judicial supervision or oversight, and the courts have no jurisdiction to hear challenges to such detention or to order the release of detainees. The law also makes no provision for detainees to have access to relatives or legal counsel, effectively allowing them to be held incommunicado.

The poet Mohammed al-Ajami, also known as Mohamed Ibn al-Dheeb, whose poems criticized repression in the Gulf states, was charged with "inciting to overthrow the

ruling regime” and “insulting the Amir”, and sentenced to life imprisonment by the Doha Criminal Court on 29 November 2012. He was detained incommunicado following his arrest in November 2011. Amnesty International considers him a prisoner of conscience. On 25 February 2013, the Court of Appeal in Doha reduced his sentence to 15 years’ imprisonment.⁷

Amnesty International has received information that around a dozen people have been detained without charge or trial since 2006 under the Protection of Society Law. They were held incommunicado for weeks or even months in some instances. In March 2013, two activists were arrested without a warrant at a checkpoint manned by plain-clothes security force personnel. They were held for 28 days without charge or trial, the first four days of which were incommunicado and in solitary confinement, after which they were granted irregular access to family and lawyers. On the day of their release, after being told that no charges would be brought against them, they received a text message from the Interior Ministry informing them that they were banned from leaving the country, with no further explanation provided.

EXPLOITATION OF MIGRANT WORKERS, INCLUDING FORCED LABOUR AND HUMAN TRAFFICKING

Foreign migrant workers, comprising 94 per cent of Qatar’s workforce of around 1.46 million, continue to be exploited and abused by their employers despite protective provisions set out in the 2004 Labour Law and related decrees. The protections in the Labour Law are not adequately enforced, and the Law specifically excludes domestic and some other categories of workers, thereby providing no legal protection for a significant proportion of workers in Qatar.⁸

The 2009 Sponsorship Law, requiring all foreign workers to obtain a sponsor’s permission to leave Qatar or change employer, is exploited by employers to deter foreign workers from complaining to the authorities or moving to a new job in the event of abuse. There is a mechanism within the Sponsorship Law specifically allowing for the latter, but in 2012, only 49 people were transferred permanently and 211 temporarily by such means. Although the Sponsorship Law prohibits employers from confiscating workers’ passports, monitoring and enforcement of this provision is inadequate; of 180 migrant workers individually interviewed by Amnesty International in 2012 and 2013, only three said that they held their own passports.

During 2012 and 2013, Amnesty International documented a range of abuses committed by employers against migrant workers, focusing particularly on construction and domestic workers. Many arrive in Qatar to find that the nature of the work, their salaries, hours of work or conditions are very different to what had been promised. Cases include being forced to work excessive hours with inadequate time off; not being paid, being paid late, or having sums deducted from salaries arbitrarily; poor accommodation, with no electricity or running water; working without adequate health and safety protection; and subjection to physical and sexual violence, confinement, humiliating treatment and threats. Furthermore, employers often fail to arrange for workers to be issued with residence permits and confiscate their passports, thereby putting them at risk of arrest and deportation. Migrant workers also risk being prevented from leaving the country if their employers do not approve the issuing of exit permits.

Complaints mechanisms via the Labour Relations Department and Labour Court do not provide workers with adequate means of redress, as proceedings are extremely slow and workers may be asked to pay prohibitive fees for reports to be commissioned, in violation of Article 10 of the Labour Law which states that legal claims under the law should be free of judicial fees. The Labour Law also prohibits migrant workers from forming or joining labour or trade unions.⁹

Amnesty International has documented cases of construction and domestic workers in Qatar being subjected to conditions amounting to forced labour and human trafficking. In 2011, Law No. 15 on Combating Human Trafficking was passed, defining the crime of human trafficking and mandating a prison sentence of seven to 15 years for those convicted of the crime, depending on the severity of the offence. The law exempts victims of human trafficking from being bound by the Sponsorship Law. In 2013, government officials informed Amnesty International that one person had been charged with the crime of human trafficking; however, there is no further information as to whether a prosecution took place or whether a conviction resulted.

DISCRIMINATION AND VIOLENCE AGAINST WOMEN, INCLUDING SEXUAL VIOLENCE

Women continue to face discrimination in law and practice, and are inadequately protected against violence within the family. In particular, family law discriminates against women, making it much easier for men to seek a divorce than for women, and placing women at a severe economic disadvantage if they seek a divorce or their husbands leave them.

Gender-based violence is a serious issue in Qatar, with a 2008 government study finding that 28 per cent of Qatari women experienced violence in the home. There is no law criminalizing domestic violence, although victims can make complaints of physical or sexual abuse under the Penal Code. Migrant domestic workers face specific risks because they are isolated in the home and face difficulties in reporting abuse. Amnesty International has interviewed domestic workers who have been subjected to physical violence and sexual abuse by their employers. Amnesty International has not been able to obtain statistics from the authorities, but it appears prosecution of employers for such abuse is unusual. Some domestic workers may be reluctant to report such abuse to the authorities, in some cases because they fear being accused of “illicit relations”, which is a criminal offence under the Penal Code. In March 2013, a senior prison official told Amnesty International that of approximately 75 female prisoners being held – 74 of whom were foreign nationals – around half were being held on charges related to “illicit relations”. Amnesty International interviewed one woman who said she called the police immediately after she was raped by a man who broke into her employer’s house in February 2012, only to be charged with “illicit relations” following police interrogation. In December 2013 she was given a one year prison sentence.

TORTURE AND OTHER ILL-TREATMENT

Amnesty International welcomes the recent amendment to the definition of torture in the Penal Code, which brings it into line with that set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁰ However, other articles of the Penal Code and the Code of Criminal Procedures are concerning, given their vague wording in regard to prohibition and penalization of acts that may amount to torture or other ill-treatment.

Amnesty International has received reports of torture or other ill-treatment being used in recent years to force detainees to “confess” or provide information. Most reported incidents occur in the period of detention prior to charge or trial, particularly during periods of incommunicado detention by State Security. Methods reportedly include beating, suspension from the ceiling for hours, sleep deprivation, solitary confinement in small cells for weeks or months, being made to stand continuously for long periods of time, and being subjected to grossly excessive air conditioning for prolonged periods.

In some instances, detainees have been subjected to threats that could amount to torture or other ill-treatment. Former detainees have informed Amnesty International that security men and prison guards told them that if they spoke about their detention the authorities would publicly denounce them as “terrorists”, and that consequently “no one would care about their detention”.

CORPORAL PUNISHMENT

Qatari law does not prohibit corporal punishment despite its inconsistency with international law’s absolute prohibition of torture and other cruel, inhuman or degrading punishment. Article 1 of the Penal Code stipulates that “Islamic Shar’ia provisions are applicable...” to *hudud* and *qisas* crimes, many of which are punishable by physical retribution and/or flogging.

Qatar’s report to the UN Committee against Torture states that “[i]n practice” the penalties of stoning, amputation and flogging are “not used”.¹¹ In October 2012, the National Human Rights Committee told Amnesty International that it had found no evidence of any judicial flogging sentences being passed within the last three years, yet officials from both the Ministry of the Interior and Public Prosecution reported during the same visit that judicial flogging sentences continue to be imposed and applied, stressing that such punishments were only applied against Muslims.

Ministry of the Interior officials further elaborated that there were cases of convicted prisoners in the Central Prison in Doha who had been sentenced and consequently flogged. A senior official stressed that flogging was not a commonly applied punishment, that it was carried out “lightly” when implemented, and that a medical examination was carried out beforehand to determine whether the person was fit enough for the punishment to be carried out and into how many sessions the total number of lashes should be divided. He pointed out that some detainees nonetheless requested that all the lashes be administered in one session in order to have the punishment completed more quickly, and that such requests were sometimes met.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Qatar:

Violations of the right to freedom of expression, administrative and incommunicado detention

- To ratify the International Covenant on Civil and Political Rights;
- To remove legal provisions criminalizing the peaceful expression of the right to freedom of expression, and ensure that the 2012 draft Media Law and 2013 draft Cyber-Crimes Law adhere to international standards prior to enactment;
- To end the practice of administrative detention without charge or trial and to repeal any such provisions in the Law on the Protection of Society (Law No. 17 of 2002) or any other laws; all detainees in administrative detention should either be released, or charged for recognizable criminal offences and receive a fair trial;
- To bring existing legislation on arrest and detention procedures, including the Counter-Terrorism Law (Law No. 3 of 2004) and the Law on the Protection of Society (Law No. 17 of 2002), into line with international human rights law and standards, so as to protect detainees against arbitrary arrest, and incommunicado detention, and to limit the initial period during which detained persons may be held without charge.

Exploitation of migrant workers, including forced labour and human trafficking

- To ratify the International Covenant on Economic, Social and Cultural Rights, all the International Labour Organisation (ILO) Core Conventions including in particular ILO Convention C189 on Domestic Workers;
- To reform the Sponsorship Law, removing the requirement for foreign nationals to obtain the permission of their current employer before moving jobs or leaving the country;
- To reform the Labour Law to ensure that all workers – including domestic and farm workers – have their labour rights protected by law;
- To reform the Labour Law to respect the right of migrant workers to freedom of association, including the right to form or join trade unions;
- To significantly improve the enforcement of the labour protections contained in the Labour Law, including by increasing the number of labour inspectors;
- In accordance with Qatari law, to cancel the imposition of fees on workers for any part of the Labour Court process, including the commissioning of expert reports, and to take appropriate steps to ensure that Labour Court cases are dealt with promptly and expeditiously.

Violence and discrimination against women, including sexual violence

- To ensure that national laws which discriminate against women and girls and facilitate violence against them are amended to be consistent with international human rights law and standards, including family law, laws and procedures relating to the authority of guardians over women, nationality laws, and housing regulations;
- To lift its reservations to the Convention for Ending All Forms of Discrimination Against Women or to amend them in such a way that they are compatible with the object and purpose of the Convention;
- To become party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- To criminalize domestic violence, ensuring that the definition is not limited to relatives living in the same residence but includes all persons, thereby protecting domestic workers;
- To develop a dedicated strategy to ensure that domestic workers can complain of violence, including sexual abuse, and other abuse, without fear or harassment and that suspects are prosecuted where there is sufficient admissible evidence;
- To remove the charge of 'illicit relations' from the Penal Code and stop imprisoning/detaining people for having consensual sex outside of marriage.

Torture and other ill-treatment

- To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- To institute readily enforceable safeguards, including judicial oversight, to ensure that detainees are not subjected to torture or other ill-treatment in custody;
- To establish procedures to ensure that all allegations of torture or other ill-treatment by state officials are investigated promptly, thoroughly, impartially and independently; that any officials responsible for torture or other ill-treatment, including those who instigate, order, inflict or acquiesce to it, are held to account; and that any persons subject to torture or other ill-treatment have the right to remedy and reparations, including appropriate compensation.

Corporal punishment

- To abolish all forms of corporal punishment, including flogging; and that pending abolition, the infliction of these punishments cease immediately; To review Article 1 of the Penal Code, and to ensure that it is in line with Qatar's international human rights obligations.

ENDNOTES

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review of Qatar*, A/HRC/14/2, 15 March 2010, paragraphs 83, 85, 86, and the Addendum to the report, A/HRC/14/2/Add.1, 1 June 2010

² A/HRC/14/2, recommendations 83.28-83.32 (Mexico, Slovenia, Canada, Norway)

³ The recommendations were to accede to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and the Rome Statute, as well as to core conventions of the International Labour Organization. See Report of Working Group on Universal Periodic Review, Addendum (A/HRC/14/2/Add.1) on 1 June 2010, recommendations 85.1 (Algeria), 85.2 (Spain), 85.3 (Chile), 85.4 (Norway), and 85.22 (Mexico)

⁴ A/HRC/14/2, recommendations 86.1 (United Kingdom of Great Britain and Northern Ireland), 86.2 (Norway), and 86.3 (Netherlands)

⁵ A/HRC/14/2, recommendations 86.7 (Slovenia), 86.8 (United Kingdom of Great Britain and Northern Ireland), 86.9 (Norway), and 86.10 (Brazil)

⁶ A/HRC/14/2, recommendation 86.6 (Sweden)

⁷ According to media reports the judge did not state in court the reason why the sentence was reduced.

⁸ Article 3 of the Labour Law (2004).

⁹ Article 116 of the Labour Law (2004).

¹⁰ The definition is set out in Article 159 of the Penal Code.

¹¹ Committee against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention*, CAT/C/QAT/2/Rev.1, 21 August 2012, paragraph 119.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE¹

FIFA Executive Committee must address Qatar migrant workers' rights, 19 March 2014

Qatar 2022 standards for migrant workers just a starting point, 11 February 2014, (Index: PRE01/065/2014)

Qatar: Unpaid migrant construction workers left to go hungry, 18 December 2013, (Index: PRE01/660/2013)

Qatar: 'Treat us like we are human': Migrant workers in Qatar, 18 November 2013, (Index: MDE 22/011/2013)

Qatar: The dark side of migration: Spotlight on Qatar's construction sector ahead of the World Cup, 18 November 2013, (Index: MDE 22/010/2013)

Qatar: End corporate exploitation of migrant construction workers, 18 November 2013 (Index: PRE01/599/2013)

Qatar: Exploited and struggling to survive in Qatar, 17 November 2013, (Index: MDE 22/020/2013)

Qatar: Further information: Conviction of Qatari poet upheld, 23 October 2013, (Index: MDE 22/016/2013)

Qatar: Release poet sentenced to 15 years in prison, 21 October 2013, (Index: PRE01/556/2013)

Qatar: Further information: Activists released, but forbidden to travel, 19 April 2013, (Index: MDE 22/009/2013)

Qatar: Further information: Detained Qatari activists on hunger strike, 12 April 2013, (Index: MDE 22/008/2013)

Qatar: Further information: Activists removed from solitary confinement, 28 March 2013, (Index: MDE 22/007/2013)

Qatar: Two activists held incommunicado, in danger, 25 March 2013, (Index: MDE 22/005/2013)

¹ All of these documents are available on Amnesty International's website:
<http://www.amnesty.org/en/region/Qatar>

Qatar: Further information: Al-Ajami's sentence reduced to 15 years, 25 February 2013, (Index: MDE 22/004/2013)

Qatar: Outrageous life sentence for 'Jasmine poet', 29 November 2012, (Index: PRE01/586/2012)

Qatar should take steps to end use of torture and other ill-treatment, 28 November 2012, (Index: MDE 22/003/2012)

Qatar: Detained 'Jasmine uprising' poet being tried in secret, 29 October 2012, (Index: PRE01/521/2012)

Qatari poet on trial: Mohammed al-Ajami, 25 October 2012, (Index: MDE 22/002/2012)

Qatar: Blogger held incommunicado in Qatar, 2 March 2011, (Index: MDE 22/001/2011)

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