

COMMITTEE ON THE RIGHTS OF THE CHILD

42nd session (Geneva, 15 May to 2 June 2006)

Reports of States

Qatar (initial periodic report)

Information submitted to the Committee

Qatar submitted its initial periodic report¹ under the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (the Optional Protocol), as well as written replies² to the Committee on the Rights of the Child's list of issues³. The initial periodic report provided a broad range of information on the legal and institutional framework in place to protect the rights of child in general, such as the Supreme Council for Family Affairs. It however offered less insight into measures taken specifically to combat the sale of children, child prostitution and child pornography. Legal questions were addressed fully and appropriately in the report, with comprehensive descriptions of the specific articles prohibiting the relevant offences, the position of the child victim in criminal procedures, and Qatar's position on universal jurisdiction and extradition. Information about policies and measures taken by the Government to prevent the offences defined in the Optional Protocol were less appropriate, in that they tended to focus on the prevention of violence against children, rather than addressing the specific issue of the commercialisation of violence against children. The report therefore referred to the National Human Rights Committee, the Qatari Foundation for the Protection of Women and Children and the Child's Friend's Office, institutions which focus much more on the general welfare and protection of children. Furthermore, the report did not provide any evaluation of the scope of sale of children, child prostitution and child pornography in Qatar, simply stating that no trials of such offences had been registered in Qatar in the period from 2001 to 2004. The State party's written replies to the Committee's list of issues did not provide any further statistics or evaluation of the phenomenon, concentrating instead on providing extensive detail of the programs and laws in place, notably with regard to extra-territorial jurisdiction and the use of children as camel jockeys.

There were a number of non-governmental organisations (NGOs) present at the session, including the International Federation of Social Work and Geneva for Human Rights.

Themes and Issues

Reservation

The Committee inquired as to the status of the proposed review of the State party's general reservation to the Optional Protocol relating to any provisions incompatible with the Islamic sharia. Despite the fact that Qatar's periodic report dates from 2004, the delegation simply repeated the information contained in it, indicating that a committee had been set up to consider this question and that the authorities were examining its final report.

Prevention

The Committee approached the issue of prevention by focusing on awareness-raising, stressing its crucial importance in the Middle Eastern and Muslim context, where issues of sexual exploitation of children are particularly sensitive and hard to talk about openly in society. Committee members therefore asked questions about the use of the media in this regard, the participation of children in debates, and the use of targeted campaigns for vulnerable groups, such as children of migrant workers. The delegation responded by describing numerous existing and planned training and awareness-raising programs, stressing the potential future impact of the establishment of the UN Human Rights Documentation Centre in Doha in this regard, but did not properly address the issue of awareness-raising and open societal debate in a conservative Muslim context.

Coordination

Committee members, noting the large number of committees and institutions focusing on the general protection of children, inquired into their institutional status, coordination mechanisms among them, as well as the role played by NGOs in this framework. The delegation informed them that the Supreme Council for

¹ [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/94d60b6493e4c6b5c12570d90037eda8/\\$FILE/G0544595.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/94d60b6493e4c6b5c12570d90037eda8/$FILE/G0544595.pdf).

² http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/42-Qatareply_En.pdf.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/G06/404/83/PDF/G0640483.pdf?OpenElement>.

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Family Affairs was a governmental supreme national body, reporting directly to the Amir⁴ and described in great detail the mandates and programs of the six independent institutions, such as the Qatari Foundation for the Protection of Children and Women, the Qatari Foundation for the Welfare of Orphans and the Family Counselling Centre, aimed at create a safe environment for children and women. While it appeared from the delegation's answers that these institutions acted as a bridge between victims and the judicial framework for the protection of children, the State party did not provide a comprehensive analysis of coordination among these organisations and institutions or the role of NGOs, although it did refer to the establishment of a coordination committee. The delegation did however explain that national consultations were ongoing between the government, civil society and UNICEF to draw up a national plan of action for children. With regard to the protection of children in criminal proceedings, the hierarchy of responsibilities was much clearer, with the legal authorities retaining the main responsibility, in cooperation with reception centres focusing on the provision of psycho-social assistance.

Statistics

The Committee, noting the absence of any statistics in the State party's report relating to the crimes defined under the Optional Protocol, particularly sexual exploitation of children, repeatedly and unsuccessfully inquired into the scope of the phenomena in Qatar, notably with regard to vulnerable groups, such as children of immigrants. The delegation appeared content to argue that there was no information pointing to the existence of such activities in Qatar and instead concentrated its answers on the phenomenon of economic exploitation of children in camel racing and the successful measures adopted by the Government in this regard. These measures included the banning of the use of children in camel racing in 2005 and the setting up of a national committee to combat trafficking in persons and a Qatari House for Sheltering and Human Care for victims of trafficking.

Criminal provisions

The Committee noted the different degrees of seriousness assigned to the crime of child pornography compared to other crimes defined under the Optional Protocol, with the former defined as a lesser offence. Committee members also took notice of the broad definition of the crime of pornography – defined as an offence against public morals and decency – which could lead to very different interpretations. The delegation did not justify this difference, instead repeating the information available in the report describing the different categories of offences in Qatari criminal law and the classification of the offences described in the Optional Protocol in this regard.

The Committee also addressed the issue of equality before the law in relation to child prostitution. It appeared from the State party's periodic report that sexual exploitation was defined differently for females and males, with prostitution assigned to the former and debauchery to the latter. The delegation did not appear to acknowledge this as a problem, and simply confirmed that there were different sentences for the sexual abuse of girls and boys, with longer prison sentences for those committing such offences against girls.

Conclusions and next steps

The key positive steps announced by the delegation included the development of a new special child law and a national plan of action for children, the 2005 *Law No.22 on Banning the Employment, Training and Participation of Children in Camel Racing*, the creation of a national office to combat trafficking in persons and the establishment of the Qatari House for Sheltering and Human Care.

While the Committee was able to address the main issues with regard to the phenomenon of child trafficking and exploitation in the context of camel racing, the complete lack of statistics and information on the scope and extent of sexual exploitation of children, noted in the Committee's concluding observations, prevented it from adequately evaluating the human rights needs of children in Qatar in that regard. In fact, there seemed to be a fundamental misinterpretation of the Optional Protocol, as the delegation focused their answers on sexual abuse instead of addressing its commercial dimension. The Committee even had to remind the delegation of the specific purpose and scope of the Optional Protocol to re-focus discussion. In reaction to this, the delegation simply replied that the financial wealth and conservative nature of Qatari society meant that exploitation of children for financial purposes or in the context of organised crime did not exist, thereby

⁴ The Qatari head of State.

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closing all avenues of discussion on this subject. Furthermore, the delegation also appeared to believe that questions of juvenile justice and juvenile offenders had a place in discussion under the Optional Protocol.

Therefore, apart from the question of trafficking and exploitation in the context of camel racing, the delegation did not address the issue of the commercialisation of abuse of children and did not even appear to comprehend that this was the central focus of the Optional Protocol. Furthermore, the Committee's task was complicated by the fact that most of the delegation's answers were irrelevant, no matter how many times Committee members intervened to repeat their questions. Many important questions were left unanswered and deferred to replies in written in the future.

The Committee's concluding observations⁵ highlighted coordination in the field of child issues, dissemination of information and awareness-raising on sexual exploitation of children, and data collection as the main areas in need of improvement. Most of these concerns had already been voiced in the Committee's concluding observations in 2001 when it considered the State party's initial periodic report under the *Convention on the Rights of the Child*. In fact, most of the progress for which Qatar is commended in the 2001 concluding observations are the same as those highlighted in the present conclusions, pointing to a certain level of stagnation in terms of new programs and policies protecting children, except in the area of camel racing. The Committee also expressed the concern that the provisions of the Criminal Code did not include all purposes and forms of sale of children and that those provisions were also insufficient with regard to the protection of child victims during the criminal investigation and justice process.

Echoing its 2001 concluding observations, the Committee also expressed concern about the protection of vulnerable groups of children, notably children of migrant workers and the lack of relevant information available in the report in this regard. The Committee on the Elimination of Racial Discrimination also requested further information on non-nationals in 2002. In general however, the Committee did not refer to other Treaty Bodies or express similar concerns to them in their concluding observations, probably because of the specificity of the Optional Protocol.

⁵ <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPSC.QAT.CO.1.pdf>.