



Convention on the Rights of the Child

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Summary record of the 1446th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 29 September 2009, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.10 a.m.

Consideration of reports of States parties (item 4 of the agenda) (*continued*)

Second periodic report of Qatar on the implementation of the Convention on the Rights of the Child (CRC/C/QAT/2); list of issues (CRC/C/QAT/Q/2); written replies by the State party to the list of issues (CRC/C/QAT/Q/2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Qatar took places at the Committee table.*
2. **Mr. Al Buainain** (Qatar) said that the report submitted by Qatar had been drafted under the supervision of the Supreme Council for Family Affairs, which had been established in 1998, and that it was the result of collaboration between various public bodies, including the Ministry of Education, the Ministry of Justice, the National Human Rights Committee, the Qatari Foundation for the Protection of Women and Children and the National Office to Combat Human Trafficking.
3. Since the submission of its initial report in 1999, the State had established special facilities, such as the Shafallah Centre for Children with Special Needs, the Cultural Centre for Motherhood and Childhood, and the Family Consultation Centre. The Qatari Foundation for the Protection of Women and Children had several functions, including ensuring the application of international instruments and preventing discrimination against women.
4. The Qatari Orphans Foundation, established in 2003, the National Office to Combat Human Trafficking, established in 2005, the Qatari Shelter and Humanitarian Welfare Home and the Social Rehabilitation Centre were some of the institutions that had been created to promote the objectives envisaged in the Convention.
5. Over the previous 40 years, Qatar had made great progress with health-care services and had implemented primary health-care programmes for mothers and children. Furthermore, children of all ages had been provided with access to education and enjoyed a substantially increased standard of living, which had led to a decrease in infant mortality.
6. The Constitution of the State of Qatar, which had entered into force in June 2005, reflected the State party's determination to consider the needs of children in terms of health, education, social services and protection against all forms of violence. Article 22 of the Constitution provided that the State was obliged to ensure the well-being of young people and to protect them from corruption, exploitation and negligence. Article 6 provided that the State had to comply with commitments arising from the ratification of international instruments and article 68 vested the Convention on the Rights of the Child with the force of law in the domestic legal system.
7. Qatar had ratified the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, which were both relevant to the well-being of children. Furthermore, Qatar had withdrawn its general reservation to the Convention on the Rights of the Child, although it had kept its partial reservation to articles 2 and 14 of that Convention. The State endeavoured to apply the provisions of the Convention, in particular by adopting wide-ranging legislative measures, and it was committed to respecting the Paris Principles.
8. Despite the new legislative measures it had adopted, the country had experienced difficulties applying some of the Convention's provisions, and it relied on technical assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the High Commissioner for Human Rights (OHCHR) in order to do so. The United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, which had opened in May 2009 and was based in Doha,

aimed at furthering human rights in the region by strengthening the capacity of stakeholders and taking advantage of the experience of other countries. Moreover, Qatar was committed to bringing practical development assistance to other countries in the region by focusing its efforts on promoting the rights of the child.

9. **Mr. Filali** (Country Rapporteur) thanked the State party for submitting the written replies to the list of issues on time, as that had enabled the Committee to form a complete and clear understanding of the situation of children's rights in Qatar and the progress made with the implementation of the Convention. He also welcomed the opening of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region.

10. He welcomed the adoption of Act No. 3 of February 2009, which regulated the functioning of prisons and correctional institutions; Act No. 4 of February 2009, on the terms of residency for migrants; the Family Act No. 22 of 2006 on the protection of children; Act No. 38 of 2006, which contained provisions on the status of children aged between 7 and 16; the new provisions of the Labour Code concerning child labour; Act No. 22 of 2005, prohibiting the employment of children in camel racing; and the Code of Criminal Procedure No. 23 of 2004, which ensured that children were treated fairly throughout all stages of legal proceedings.

11. He also welcomed Qatar's ratification of the ILO Convention concerning the Abolition of Forced Labour (No. 105), the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, the withdrawal of its reservation to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the withdrawal of its general reservation to the Convention on the Rights of the Child, and its accession to the United Nations Convention against Transnational Crime.

12. He asked when the State party envisaged finalizing the adoption of the draft Children's Bill and how that bill would assist with the implementation of the Convention.

13. He also asked what the State party understood by "partial reservation" with regard to articles 2 and 14 of the Convention, bearing in mind that States were only entitled to make general reservations, and whether such a reservation was compatible with the principles of the 1969 Vienna Convention.

14. He noted that the State party had enacted several new laws in order to bring its national legislation into harmony with the Convention, and asked for further information on the implementation of those laws between the date of submission of the initial report in 1999 and the date of submission of the second periodic report in 2008. He would like more information, for example, on the number of children who had contravened the law prohibiting their employment as camel jockeys, as well as on the results obtained with the adoption of various laws to implement the Convention.

15. Noting that the Convention had the force of law in the domestic legal order, he asked whether any courts had invoked the Convention directly.

16. Noting that the procedures of the National Human Rights Committee had been revised in 2006 to bring them into line with the Paris Principles, he asked how it received complaints from children, how it ensured that those complaints were followed up, and whether cooperation with the police was possible. He also asked whether there were any mechanisms, aside from the emergency hotline, that offered help to children and whether the State party planned to introduce an ombudsperson for children.

17. He said that the complaints examination procedure, as described in the State party's report, was very cumbersome and did not address the urgent nature of matters relating to children. He asked for further information on that issue.

18. He noted with satisfaction that the State party had enshrined the principle of non-discrimination in its Constitution, but he was surprised that Qatar had entered a reservation to article 2 of the Convention, which seemed to contradict the State party's declared wish to combat discriminatory practices. He asked for clarification on that issue.

19. Lastly, he asked for further details on what was covered by the term "citizen" in the State party, and whether the authorities considered that migrant workers and refugees and, by extension, their children, had the same rights as native Qataris.

20. **Ms. Varmah** (Country Rapporteur) asked the delegation whether the draft Children's Bill had been finalized and if it could provide some information on its provisions. She also asked for clarification on the definition of the child in Qatar.

21. She said that she had understood that corporal punishment was not illegal within the family or in institutions and asked whether it was illegal in schools. She recalled that corporal punishment should be prohibited in all situations and should never be ordered as a punishment by a court. The current Prisons Act, however, included punishment by flogging, stoning and amputation, even for persons under 18 years of age. She asked if those punishments would be removed as part of the current revision of that Act.

22. She urged the State party to revise its Nationality Act, under which mothers, unlike fathers, could not transmit Qatari nationality. That was discriminatory against women and could lead to statelessness. She requested further information on the birth registration rate in rural and in urban areas, and in particular on the registration rate of children of Qatari women married to non-Qataris and of children born out of wedlock. Lastly, she asked for more information on the measures taken to guarantee the right of children to express their views.

23. **Mr. Kotrane** asked for clarification on the status of the Convention in the domestic legal order. He wondered whether its provisions took precedence over domestic provisions, whether they were directly applicable, and how conflict between the provisions of the Convention and those of domestic laws were resolved.

24. The formulation of new reservations was of grave concern to the Committee, in particular when they related to fundamental articles of the Convention. Qatar was the only country in the world to have made a reservation to article 2 and one of only two countries in the region to have made a reservation to article 14. He expected the State party to consider withdrawing those reservations. On the other hand, he commended the State party's recent numerous ratifications and encouraged it to continue to ratify other conventions, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

25. Referring to paragraph 61 of the report, which stated that, following a divorce, mothers were given custody of the children until the age of 13 for boys and 15 for girls, he asked whether changing the criteria in order to take the best interests of the child into consideration, rather than their age, had been considered.

26. **Mr. Koompraphant** said that the status of the various foundations mentioned in the report was not clear and asked whether the Qatari Foundation for the Protection of Women and Children, in particular, was a State body. If not, he asked if there was a public institution that coordinated action in support of children and families and which ministry it was attached to. Lastly, he enquired how the Foundation was financed and what its powers were.

27. **Ms. Villarán de la Puente** asked whether children had been involved in the report-drafting process, in accordance with the Committee's recommendations. She also asked the State party to provide statistics on the budget allocation for children.

28. **Mr. Citarella** asked whether it was possible, as some of the statistics provided seemed to indicate, that minimum ages were not respected in all regions, owing to the coexistence of positive law with customary and sharia law.

29. **Mr. Gurán** asked whether a unit on the rights of the child had been set up within the National Human Rights Committee and, if so, how many specialists trained in the rights of the child were part of it. He also asked for information on that Committee's complaints mechanism. Lastly, he asked the delegation to explain why the national strategy for children for 2008–2013 had apparently not been approved and to clarify whether the strategy paid particular attention to the children of foreign workers.

30. **Ms. Aidoo** commended the State party's efforts to raise awareness of the Convention, especially in schools. She wondered, however, to what extent parents were aware of it. She asked whether the results of those awareness-raising efforts had been evaluated and whether any changes in behaviour, in particular with regard to equal treatment between boys and girls, had been observed.

31. Producing a manual on the Convention that compared its provisions to quotations from the Koran was an excellent initiative: while the Convention was universal, its implementation was firmly embedded in a cultural context. She asked whether such a manual had been published and whether areas of divergence had come to light during the drafting process. If so, she asked how potential conflicts between international and religious standards had been dealt with.

32. She also requested further information on the foundations mentioned in the report, including on whether they were civil society organizations or parastatal institutions and how they were financed. If they were not non-governmental organisations (NGOs), she wanted to know whether Qatar had any civil society organizations that focused on the rights of the child.

33. **Mr. Pollar** was pleased to note that the Committee had not received any information to the effect that the right to life was not respected in Qatar. However, further information was needed on accidents and suicides.

34. **The Chairperson** regretted that the report contained very little information on the right of children to express their views. He emphasized that, pursuant to article 12 of the Convention, that right also included the right to be heard in any judicial and administrative proceedings, and the opportunity to convene and take part in community life, for example through youth parliaments.

The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.

35. **Ms. Noor Abdulla Al-Malki** (Qatar) explained that the Supreme Council for Family Affairs was the reference body for children's policy. Headed by the Prince, it prepared draft laws that concerned children and had major responsibilities such as defining family strategies. It played an important role in the implementation of the Convention and its Optional Protocols as well as the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women.

36. The Qatari Constitution enshrined the principle of non-discrimination between Qatari children and foreign children and the principle of the equality of all before the law. All the policies and strategies that Qatar adopted took into consideration the rights of foreign children living in the country.

37. The draft Children's Bill, which should be adopted in 2010, was very comprehensive. Its drafting process had been very time-consuming as it had been accompanied by the revision of all the domestic legislation on children. The Supreme

Council was currently concluding its revision of the draft Bill, taking into account the observations made by some State bodies.

38. Public institutions, NGOs and many experts, in particular international experts, had contributed to the draft national strategy for children for 2008–2013, which should be adopted shortly. It was part of a more wide-ranging family strategy, which took women, young people and elderly people into consideration.

39. **Mr. Filali** (Country Rapporteur) asked whether the laws relating to the legal system that were published in the Official Gazette were really taken into account by the courts, and whether there was a way of ensuring that judges applied the provisions of the Convention.

40. **Ms. Noor Abdulla Al-Malki** (Qatar) said that the provisions of the Convention were not yet invoked by the courts, which did not mean that the Convention was not being implemented: the Government had been striving to bring national legislation into line with the provisions of the Convention. The Supreme Council requested information from the courts on the application of the provisions of the Convention and monitored all cases involving children and families. It would send the Committee any information it received on the application of the Convention by the courts.

41. The Qatari Foundation for the Protection of Women and Children, which had been created by a decision of the Supreme Council, provided services to women and children who were victims of violence. Prior to 2006, no written laws on the family or on personal status had existed in Qatar. The drafting and promulgation of such laws therefore represented an important step forward. Also prior to 2006, there had been no fixed minimum age for marriage in the country. That age was now 16 for girls and 18 for boys, which was an important development consistent with the interests of the child, although it was not easy to impose it on Qatari society, given its traditions and culture. It might be possible to harmonize the minimum age for marriage at some time in the future.

42. **Mr. Citarella** asked whether, in the delegation's opinion, the difference between the minimum marrying ages for girls and boys was a form of discrimination that was contrary to the provisions of the Convention.

43. **Ms. Noor Abdulla Al-Malki** (Qatar) said that such discrimination was justified for the time being, but that there was nothing to prevent that law from being changed in the future. The legislator had to take society's traditions and culture into account and the implementation of the Convention was taking place gradually.

44. The age until which children were placed with the mother following a divorce (13 for boys and 15 for girls) also took the customs of Qatari society into account. The judge who decided on the custody of the child always did so in the best interests of the child. The law offered the judge the possibility of extending the custody period for boys to the age of 15 and for girls until they married. The child's opinion was taken into consideration when such decisions were made.

45. **Ms. Al-Hor** (Qatar) said that the Civil Code defined a child as any person aged under 18. The draft Children's Bill contained a standardized definition of the child, on which all other laws on children would be based. From that point of view, domestic legislation would therefore be in line with the Convention.

46. **Mr. Citarella** asked whether customary laws derived from sharia or customary law were applied in Qatar.

47. **Mr. Filali** (Country Rapporteur) requested further information on withdrawing custody of a child from a parent who had been granted it and asked who was responsible for paying child support following a divorce.

48. **Mr. Al-Mohannadi** (Qatar) said that the Constitution provided that laws had to exist in written form. Without a written text there could be neither crime nor punishment.
49. The mother's custody of the child ended when the child reached the age established by law, when he or she reached the age of majority, or if the right to custody was withdrawn from the mother. The right to child support was established under the Family Code. The court decided who paid child support and how much was to be paid on the basis of the parents' income.
50. Under the 2005 Nationality Act, the children of a Qatari father, children who were naturalized because they were resident in Qatar, and children aged under 18 who were born abroad but had resided in Qatar for at least five years were entitled to Qatari nationality. Priority for naturalization was given to persons with a Qatari mother, which ensured equal treatment between men and women in that area. For humanitarian reasons and to avoid statelessness, Qatari nationality could be granted to persons born in Qatar whose parents were unknown.
51. **Ms. Al-Asmar** asked about the rights of non-Qatari women in the event of a divorce or the death of the child's father, as far as custody and child support were concerned.
52. **Mr. Filali** (Country Rapporteur) asked whether the Nationality Act established a difference between those who were Qatari by birth and those who had been naturalized, bearing in mind that nationality acquired through naturalization could be withdrawn by the courts.
53. **Ms. Noor Abdulla Al-Malki** (Qatar) said that the Act accorded custody of children to the mother, whether or not she was Qatari.
54. **Mr. Al-Mohannadi** (Qatar) said that any child with a Qatari mother who was married to a foreigner would be granted Qatari nationality through naturalization.
55. **The Chairperson** pointed out that, in such a case, the child would not acquire Qatari nationality automatically, but had to apply for it.
56. **Ms. Varmah** (Country Rapporteur) asked what would happen to a child if his or her nationality was withdrawn. She also asked whose responsibility it was to register children of unknown parents and to make an application for naturalization on their behalf.
57. **Mr. Kotrane** said that men and women were not treated equally with regard to the transmission of nationality, which led to discrimination towards women in that area. He said that the Committee was concerned that Qatar, which had just ratified the Convention on the Elimination of All Forms of Discrimination against Women, had entered reservations to article 9, paragraph 2, on the granting of equal rights to men and women with respect to the nationality of their children.
58. **Mr. Al-Mohannadi** (Qatar) said that, according to the Nationality Act, nationality was transmitted by the bloodline, or lineage, of the father. That meant that a foreign father would transmit his nationality to the child.
59. Act No. 3 of 2009, which regulated the prison system, banned the use of corporal punishment in establishments within the prisons system.
60. Act No. 9 of 2009, which governed migration and migrants' entry and stay in Qatar, guaranteed many rights to persons residing on Qatari territory, subject to the provisions of the Constitution.
61. The Juveniles Act covered only measures to prevent juvenile delinquency, such as residential care, or the obligation of parents to monitor their child's education.

62. **The Chairperson** asked whether corporal punishment was prohibited in schools and in families.

63. **Ms. Al-Sulaiti** (Qatar) said that a ministerial resolution, adopted in 2001, set out the rules governing discipline in schools. The sanctions for pupils not respecting the rules or committing violence ranged from an oral warning to temporary exclusion from the establishment; corporal punishment and insults were prohibited. Schools carried out awareness-raising activities among families aimed at preventing the use of violence and corporal punishment against children. All schools had a social worker, who was responsible for counselling and guiding pupils as necessary.

64. **Ms. Al-Obeidli** (Qatar) explained that the Qatari Foundation for the Protection of Women and Children, which had been established by the Supreme Council for Family Affairs, was a parastatal institution. It had a council of governors, which drew up its policy in the public interest, and a steering committee, which managed its human and financial resources derived from several sources. The Foundation coordinated its activities with different governmental and non-governmental organizations.

65. The Foundation was responsible for receiving complaints regarding physical, verbal or sexual violence, negligence and discrimination. Any individual or governmental institution could lodge a complaint with the Foundation in person or by calling its emergency telephone lines. Since October 2004, the Foundation had received 1,280 complaints, 60 per cent from Qataris and 40 per cent from foreigners.

66. The Foundation offered legal, social, medical and psychological assistance for women and children. It worked with 19 volunteer lawyers, who acted on behalf of needy persons in judicial proceedings, and it helped victims to obtain financial aid from governmental institutions.

67. The Public Prosecutor had drafted some guidelines to help the Foundation pursue the cases brought to its attention and take the necessary legal measures. The Ministry of the Interior had given guidance to the police so that they could deal with such cases appropriately. An office had recently been opened within the police force to receive complaints concerning violence against women and children. A special care service would also be offered at the hospital for child victims of violence.

68. The Foundation worked with public and private schools to implement the Compulsory Education Code and to reduce dropout rates.

69. **The Chairperson** asked whether there was a system of coordination between the many protection foundations, and whether the foundations that had a semi-public status (with semi-public financing), combined with a degree of independence, worked in coordination with the Supreme Council for Family Affairs.

70. **Ms. Noor Abdulla Al-Malki** (Qatar) explained that the Supreme Council for Family Affairs, which had set up the different foundations in order to address different needs, coordinated the foundations' activities so as to avoid any overlap.

71. **Ms. Aidoo** asked whether the Supreme Council for Family Affairs coordinated all the issues relating to the rights of the child and whether it had any branch offices outside Doha.

72. **The Chairperson** asked for clarification on the role of that Council.

73. **Ms. Noor Abdulla Al-Malki** (Qatar) said that the Council was a supreme body that defined strategies relating to the family and closely followed the implementation of those strategies, but did not offer direct services. The various foundations were based in Doha but they provided services throughout the country.

74. **Mr. Filali** (Country Rapporteur) regretted the lack of information on children of migrant workers. He pointed out that, under Act No. 4 of February 2009, which regulated the entry, departure and residence of migrant workers in Qatar, only males under the age of 26 could be granted a residence permit. He asked whether that law, which discriminated against women, was applied.

75. Stating his surprise at the absence of legislation or administrative regulations on the status of refugees and asylum-seekers, he asked whether the State party was planning to ratify the 1951 Convention Relating to the Status of Refugees. He also asked for an estimate of the number of Palestinians, Iraqis and stateless persons residing in Qatar, and enquired whether they could access health and education services on the same basis as Qatari nationals.

76. He asked whether measures had been taken to increase the age of criminal responsibility, which was 7 years old, and whether children aged between 16 and 18 could be sentenced to the death penalty. He also requested more detailed information on trials in absentia in cases that concerned children.

77. Lastly, he asked whether Act No. 22 of 2005, which prohibited the employment, recruitment, training and participation of children in camel racing, had produced a positive effect since it had been introduced, and whether a Qatari national who recruited camel jockeys abroad fell under Qatari law.

78. **Ms. Varmah** (Country Rapporteur) said that, instead of having an emergency telephone number with seven figures, it would be easier for children if the number comprised just three or four digits.

79. She asked whether a comprehensive policy to promote breastfeeding had been implemented, given that the breastfeeding rate was very low.

80. She asked whether the children of migrant workers were entitled to the same services as Qatari children, and which language was used in schools attended by the children of migrant workers.

81. She requested information on the draft programme for children with disabilities 2010–2012. Lastly, she asked whether legislation prohibiting child labour and the economic exploitation of children had proved to be effective.

82. **Mr. Kotrane** asked whether the State party had taken measures to include the transfer of organs for profit as a form of the sale of children, as recommended by the Committee following the consideration of Qatar's initial report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography. He also asked whether Qatar had removed the principle of double criminality from its legislation.

83. **Ms. Ortiz** asked whether Qatar planned to ratify the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. She also asked whether it offered protection to children removed from their families and if it intended to review the legal concept of *kafala* from a child's rights perspective, so that a child could take the name of his or her adoptive family and inherit in the same way as other children in the family.

84. **Mr. Koompraphant** asked whether the State party had any means, apart from complaints of finding out about cases of children affected by sexual violence or sexual exploitation. He asked whether the child victims of such acts received assistance during the inquiry, the questioning and the court case, and if special protection measures were applied when they returned to their family.

85. **Mr. Citarella** asked whether Qatar envisaged creating proper children's courts to replace separate chambers in ordinary courts, and providing training to judges on the rights of the child. He asked the delegation what it understood by "young persons at risk of delinquency" and to indicate whether measures had been taken with regard to such young persons. Lastly, he wanted to know if special protection measures had been implemented to ensure that children giving evidence in a court did not have to appear more than once.

86. **Ms. Al-Asmar** asked whether the State party offered counselling services to foreign women that took into account their cultural differences, whether non-Muslim families could practice their religion, and whether measures had been taken to protect non-Muslim families and, in particular, their children.

87. She wanted to know whether childcare facilities were available for children who were not yet enrolled in school.

88. Lastly, she asked for information on the nature of the education given in military schools, and on whether that education was also meant for minors. She requested clarification on whether vocational schools existed in Qatar and whether they took in foreigners.

89. **Ms. Villarán de la Puente** was surprised that eating disorders did not appear in the list of children's psychological and mental disorders in paragraph 161 of the State party report, and asked what was meant by "sexual deviations", which were listed as a psychological disorder.

The meeting rose at 1 p.m.
