



**Global Detention Project Submission to the
UN Committee on the Rights of the Child**

74th Pre-Sessional Working Group (6-10 June 2016)

Qatar (Third and Fourth Periodic Report)

Geneva, 1 March 2016

Issues concerning immigration detention

The Global Detention Project (GDP) welcomes the opportunity to provide information relevant to the consideration of the Third and Fourth periodic report of Qatar (CRC/C/QAT/3-4) submitted to the UN Committee on the Rights of the Child (Committee) on 10 February 2014 and to be examined at the 74th CRC Session in January 2017. The GDP is an independent research centre based in Geneva that investigates immigration-related detention. As per the GDP's mandate, this submission focuses on the State party's laws and practices concerning detention for immigration- or asylum-related reasons.

This submission is made under Article 45(a) of the Convention on the Rights of the Child and mainly focuses on implementation of CRC Article 37 (b)(c)(d) on deprivation of liberty. It is based on GDP research related on immigration detention policies and practices in Qatar.¹ It also highlights recommendations made by the Special Rapporteur on the Human Rights of Migrants following his 2013 visit to Qatar.²

Foreigners, described as "expatriates" in Qatari immigration law, account for 90 per cent of the country's population of 2.2 million. The migrant population experienced a record surge in 2014, increasing by a record 10 percent, driven in part by a spike in labour needs related to World Cup preparations. Central to the challenges facing foreigners in Qatar is the country's Sponsorship Law, which ties foreign workers to their employers.³ The kafala ("sponsor") system has been harshly criticized for enabling the mistreatment of workers. The law also specifically provides for immigration detention measures and thousands of people have been detained in recent years, sometimes for periods lasting more than a year.

¹ Global Detention Project, Immigration Detention in Qatar, January 2016, available at: <http://www.globaldetentionproject.org/countries/middle-east/qatar>. See also, "Immigration Detention in the Gulf," GDP Special Report, December 2015, <http://www.globaldetentionproject.org/publications/immigration-detention-gulf>.

² Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Addendum - Mission to Qatar, 23 April 2014, A/HRC/26/35/Add.1.

³ Law No. 4 of 2009 Regulating the Entry and Exit of Expatriates in Qatar and their Residence and Sponsorship.

Immigration detention and children

Statistical data on foreign children in Qatar is not publicly available. Similarly, there is a lack of transparency in the country concerning the treatment of foreign children and adults when they are taken into custody, including people who are apprehended for reasons that have to do at least in part with their immigration status.

One aspect of Qatar's immigration detention regime about which we do have unambiguous reports concerns pregnant women and their children. The Secretariat of the UN Special Rapporteur on the Human Rights of Migrants informed the GDP that migrant women who become pregnant outside of marriage are placed in a form of detention or imprisonment during and after their pregnancies because extra-marital relationships are criminalized. Some of the women are reportedly detained with their children at Qatar's dedicated immigration detention facility after they give birth to await deportation.⁴ Many other Gulf countries, including Kuwait and Saudi Arabia, apply similar measures.⁵

Commenting on the detention of children and pregnant women in Qatar, the UN Special Rapporteur said in his report: "There were several pregnant women in the deportation centre during the visit of the Special Rapporteur. The Special Rapporteur deeply regrets this practice. The authorities should either facilitate their return to their countries, or house them in shelters. Similarly, children should never find themselves in detention: migrant women with children should always be hosted in shelters. While there were no children in the deportation centre during his visit, the Special Rapporteur was informed by several sources that women with small children are routinely kept in the deportation centre and he was told that approximately 10 women with children had been removed from the centre the day preceding his visit."

The Special Rapporteur also observed that "a large number of detainees" wished to return to their home countries and thus there was little risk of their absconding from removal proceedings. In these cases, he concluded, "detention is not necessary and thus a violation of that person's rights." In his report, the rapporteur recommended "Qatari authorities to systematically rely on non-custodial measures rather than detention. An individual assessment of the necessity of detention should be undertaken in all cases, in accordance with international human rights standards, and non-custodial measures should always be considered before detention."

Following his visit the Special Rapporteur recommended that Qatar "Refrain from detaining children and families with children, in conformity with the principles of the best interests of the child and of family unity. [and that] Shelters should be established, particularly for those categories of migrants."

⁴ Christel Mobeck, Office of UN Special Rapporteur on Human Rights of Migrants (Geneva, Switzerland), Skype Interview with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 21 January 2014.

⁵ Global Detention Project, "Immigration Detention in the Gulf," GDP Special Report, December 2015, pp. 4-6. Available at: <http://www.globaldetentionproject.org/publications/immigration-detention-gulf>.

Priority questions:

- Provide statistics on the number of foreign children currently living in Qatar;
- Provide data on the number of foreign children placed in detention annually because of their or their parents' immigration status, including disaggregated data on accompanied and unaccompanied minors;
- List the legal grounds that specifically provide for the detention of children for immigration-related reasons and that impose limits on the length of immigration detention for children (CRC article 37(b));
- Provide disaggregated data on children born in detention in the deportation centre to foreign women detained on account of their being pregnant outside of marriage and kept in detention with their mothers;
- Do children placed in immigration detention have access to legal assistance and can they challenge the legality of deprivation of liberty (CRC Article 37(3)(d));
- Provide information about alternatives to detention for migrant ("expatriate") children prior to deportation including the type of facilities used.
- Which facilities are used in Qatar for the purposes of depriving foreign children, both accompanied and unaccompanied, of their liberty for reasons related to their immigration status? Please mention all facilities in which a person is not allowed to freely enter or exit, even if such facilities are not officially called detention centres (including, for instance, any secure "shelters") or fall under the responsibility of social welfare agencies.
- Provide information on conditions of detention for children placed in immigration detention. Are children kept separated from unrelated adults (CRC Article 37(c)? Are there special family units? Can children engage in recreational activities (CRC Article 31).