

Qatari Law NO. (15) OF YEAR 2011 On Combating Trafficking in Human Beings

Chapter One-Definitions

Article (1)

In the implementation of the provisions of this law, the following words shall have the respective meaning assigned to them, unless the context otherwise requires:

An organized criminal group: means a group composed according to a specific structure of at least three or more persons to work continuously or for a period of time with the purpose of committing human trafficking in human beings crimes only or with other in order to obtain, directly or indirectly, a financial or other non-financial benefit.

A crime of a transnational nature: Any crime which is committed in more than one State,

or committed in one State but had been prepared for , planned, directed, supervised , financed in another State, or committed in one State through an organized criminal group practicing criminal activities in more than one State, or is committed in one State caused grievous impacts in another State.

Competent authorities: All bodies, agencies , institutions and establishments concerned with the implementation of the provisions of this law.

Child: Any person who had not attained the age of 18 years old.

Chapter Two-Trafficking in Human Beings

Article (2):

Whoever recruits , transports, submits, harbors, receives a natural person in any form, whether inside a state territory or across its national borders, through the use of force, violence or threat to use any of them or through abduction, fraud, misrepresentations or through the abuse of power or by exploiting a position of vulnerability or need or by promising to provide or receive of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation in whatever form, is committing the crime of trafficking in human beings . Exploitation shall include the exploitation of the prostitution of others or any forms of sexual exploitation and sex trafficking of children , pornography or begging , forced labor or services, slavery or practices similar to slavery servitude or removal of human organs, tissues or parts of it , commits a crime of trafficking in human beings.

Article (3):

The consent of the victim of the crime of trafficking in human beings shall be considered as irrelevant where any of the means set forth in the above article have been used.

The use of the above mentioned means are not considered as prerequisite for the commission of the crime of trafficking in children or persons who lack capacity.

Article (4):

The victim shall not be subject to criminal or civil liability of any of trafficking in human beings crimes when such a crime is initiated or directly associated with such person as being a victim.

Chapter Three- Protection of Victims

Article (5):

The competent authorities shall ensure the protection and the physical and psychological safety of the victims and shall provide them with medical, educational and social care and shall work to provide the suitable circumstances to rehabilitate and merge them in the society in a manner appropriate to their needs, human dignity, age and gender. The competent authorities shall in cooperation and coordination with the victims' countries or with countries in which the victims have a permanent residence, return them home safely.

Article (6):

The competent authorities shall ensure the provision of the following rights for the victims:

- 1- Maintaining their personal dignity and identity.
- 2- Giving them the opportunity to state their position and being recognized .
- 3- Obtaining advice with regard to their rights and enlightening them with the followed legal and administrative procedures.
- 4- Remaining in the state 's territory until the conclusion of investigation and trial.
- 5- Obtaining legal aid including counseling of attorney.
- 6- Obtaining an appropriate compensation for damages suffered.
- 7- Obtaining the necessary security protection.

Article (7):

The competent authorities shall provide appropriate places for the purpose of harboring victims in a manner that allows them to receive their relatives, attorneys and representatives of the competent authorities in addition to any other securities prescribed by any other law.

Article (8) :

The competent authorities shall be committed to keep confidential any information obtained in connection with crimes provided in this law, and shall not

disclose such information except to the extent required to enforce the provisions of this law.

Article (9) The Ministry of Foreign Affairs shall undertake , through its diplomatic and consular missions abroad, to provide all necessary assistance to Qatari victims and create the appropriate circumstances for their protection and return them to the state as soon as possible.

Article (10) :

The competent court having jurisdiction to consider a criminal action arising from any of the offences provided in this Law, shall also decide on civil suit arising from such crimes.

Chapter Four- International Judicial Cooperation

Article (11) :

The competent judicial authorities shall cooperate with its foreign counterparts with regard to combating trafficking in human beings crimes and tracking its perpetrators including exchange of information, conduction investigations, assistance , rogatory, exhibits' handing over , recovering of money and other forms of judicial cooperation. All this, shall be performed within the framework of the rules prescribed by the criminal procedures law referred to and the valid bilateral or multilateral agreements or according to the principle of reciprocity without prejudice to the fundamental principles of the state legal system.

Article (12) :

The competent judicial authorities may order the execution of the final criminal judgments issued by the competent foreign judicial authorities legally authorized with the control or seizure or recovering of money obtained from trafficking in human beings crimes and its returns according to the rules and procedures contained in the bilateral or multilateral agreements valid in the state or on the principle of reciprocity.

Chapter (5)-Penalties

Article (13)

Without prejudice to any more severe penalty provided by another law, penalties provided by this law shall be applied.

Article (14)

A person who has committed one of human trafficking offences provided by Article (2) of this Law shall be punished by imprisonment for a period not exceeding seven (7) years and a fine not exceeding two hundred fifty thousand (250,000) Riyals.

Article (15)

A person who has committed an offence of human trafficking shall be punished by imprisonment for a period not exceeding fifteen (15) years and a fine not exceeding three hundred thousand (300,000) Riyals, in the following cases:

- 1- If the victim was a female, a child, an incapable person or a person with disabilities.
- 2- If the crime resulted in the death of the victim or caused him to suffer a permanent disability or an incurable disease.
- 3- If the perpetrator was a spouse, one of the ascendants or descendants, custodian or guardian of the victim, or has authority over the victim.
- 4- If the act was committed by threat of death, serious harm or physical or psychological torture; or by a person carrying a weapon.
- 5- If the perpetrator was a public employee or was assigned to carry out a public service and committed the crime by exploiting this capacity.
- 6- If the crime was committed by an organized criminal group and the accused person was one of its members.
- 7- If the crime was of a transnational nature.

Article (16)

A person who uses force, threats, or offers gifts or an advantage of any kind or a promise thereof to induce another person to provide false testimony, to conceal a matter, or to provide false statements or information in any stage of evidence collection, investigation, or trial related to the commission of any of the offences provided by this Law shall be punished by imprisonment for a period not exceeding five (5) years and a fine not exceeding two hundred thousand (200,000) Riyals.

Article (17)

A person who attempts to commit any of human trafficking offences provided by Article (2) of this Law shall be punished by imprisonment for a period not exceeding three (3) years and a fine not exceeding two hundred thousand (200,000) Riyals.

Article (18)

A person who knowingly conceals one of the perpetrators, objects or funds derived from any of the offences provided by this Law or hid any of the features of the offence or its instruments, shall be punished by imprisonment for a period not exceeding three (3) years and a fine not exceeding a hundred and fifty thousand (150,000) Riyals.

The court may exempt penalty if the person who concealed one of the perpetrators was his spouse, one of his ascendants or descendants up to the second degree.

Article (19)

If it is proven that a person had knowledge about commission or attempt to commit any of the offences set forth in this Law without informing the competent authorities, shall be punished by imprisonment for a period not exceeding three (3) years and a fine not exceeding a hundred and fifty thousand (150,000) Riyals. If the perpetrator was a public employee or assigned with a public service and the offence occurred in breach of the duties of his job or of what he was assigned to do, the penalty shall be the imprisonment for a period not exceeding five (5) years and a fine not exceeding two hundred thousand (200,000) Riyals.

The court may exempt penalty if the person who failed to make a notification was a spouse of the perpetrator or one of his ascendants or descendants up to the second degree.

Article (20)

A person who disclosed or revealed the identity of a victim or a witness, endangering him or causing him an injury, or facilitated the perpetrator's contact with him, or provided him with inaccurate information regarding his legal rights, with the intent to harm him or to violate his physical, psychological or mental well-being shall be punished by imprisonment for a period not exceeding two (2) years and a fine not exceeding fifty thousand (50,000) Riyals.

Article (21)

A person who instigates, by any means, to commit any of the offences as set forth in the preceding articles of this chapter, even if the incitement had no effect, shall be punished by imprisonment for a period not exceeding seven (7) years and a fine not exceeding fifty thousand (50,000) Riyals.

Article (22)

A person, who is responsible for the actual management of a juristic person shall be punished by imprisonment for a period not exceeding five (5) years and a fine not exceeding two hundred thousand (200,000) Riyals, If one of the offences as set forth by this Law has been committed by someone who works for the juristic person using its name and working for its advantage, if it's proven he had knowledge of the offence or if the offence resulted from a breach of his job duties. A juristic person shall be jointly liable for the payment of financial penalties; if the offence was committed by one of the employees in its name and for its advantage.

The court may order a cessation of activity of the juristic person for a period not exceeding two (2) years, revoke or withdraw its license as the case may be.

Article (23)

Without prejudice to the rights of a bona fide third party, in all cases, funds, possessions, means of transport, or instruments derived from any of the offences provided by this Law or used in its commission shall be confiscated.

Article (24)

All penalties provided by this Law shall be exempted if any of the perpetrators has initiated to inform the competent authorities about the offence and its perpetrators before their knowledge. If such information led to the arrest of other perpetrators and the seizure of funds derived from such offence, the court may exempt him from penalties if the information occurred after the authorities knew about the crime and led to the apprehension of other perpetrators and the seizure of funds derived therefrom.

Provisions of this Article shall not apply if the crime resulted in the death of the victim or his suffering from permanent disability or an incurable disease.

Article (25)

The victim shall be exempted from penalties prescribed for violating Law No. (4) of year 2009 related to the entry and departure of expatriates, their residence and sponsorship.

Article (26)

The initiation a criminal case arising from committing any of the offences set forth in this Law, does not require filing a complaint or request by the victim or his representative.

Article (27)

Any verdict violates the terms of this Law shall be repealed.

Article (28)

All competent authorities, each within its own competence, shall implement this law and shall publish it in the Official Gazette.

Hamad Bin Khalifa Al-Thani

The Emir of the State of Qatar

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