

Law No. 15 of 2011 Combating Trafficking in Human Beings 15 / 2011

Number of Articles: 28

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Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar;

Having considered the Constitution;

The Criminal Procedures Law issued by Law No. 23 of 2004, as amended by the Law No. 24 of 2009;

The Decree-law No. 10 of 2009, Approving Accession to the United Nations Convention against Transnational Organized Crime of 2000;

The proposal of the Supreme Council for Family Affairs;

The draft law submitted by the Council of Ministers (the Cabinet); and

Having consulted the Shura Council;

Have decreed the following:

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 requires otherwise:

“An Organized Criminal Group” OCG: means a structured group composed of at least three persons, existing for a period of time and acting in concert with the aim of, committing human-trafficking crimes; on its own or with others, in order to obtain, directly or indirectly a financial or other material benefit. The aims of this group may not be wholly concerned with committing human trafficking crimes.

“A Crime of a Transnational Nature” CTN: means any crime which is committed in more than one state, or committed in one state but planned, prepared, directed, supervised and financed in another state. Crimes of a transnational nature may also be crimes committed in one state by an organized criminal group engaging in criminal activities in more than one state, or any crime committed in one state which grievously impacts another state.

“Competent Authority” CA: means all bodies, agencies, institutions and establishments concerned with the implementation of the provisions of this law.

“Child”: means any person who is under 18 years old.

Abbreviations

CTN	Crime of a Transnational Nature
CA	Competent Authority
OCG	Organized Criminal Group
HT	Human Trafficking
HTO	Human Trafficking Offences
CJAs	Competent Judicial Authorities

Chapter Two: Trafficking in Human Beings

Article 2

Whoever deals in a coercive or transactional way with a natural person, including the use, transport, delivery, harbouring, reception or receipt, whether within the state territory or across its national borders; by means of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another person; if the purpose of the transactions was exploitation in whatever form, including; exploitation in acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, begging, forced labor or the forced rendering of services, slavery or practices similar to slavery, servitude or the removal of human organs, tissues or body parts; shall be committing the crime of human trafficking.

Article 3

The consent of the victim to exploitation in any of the forms of HT shall be irrelevant, as long as any of the means stipulated in Article 2 of this law have been used.

The use of any of the means referred to in Article 2 shall not be considered a prerequisite to establish the commission or perpetration of trafficking in children or in the incapacitated.

Article 4

Victims of human trafficking offences (HTO) shall not themselves be subject to criminal or civil liabilities arising from that crime so long as these liabilities directly relate to that HTO.

Chapter Three: Protection of Victims

Article 5

The Competent Authorities (CA) shall guarantee the protection and the physical and psychological wellbeing of the victims of human trafficking offences (HTOs) and shall provide them with appropriate medical, educational and social care such that these victims are able to be socially rehabilitated and integrated in a manner congruent to their needs, human dignity, age and gender. The CAs shall, in cooperation and coordination with the victims' homelands, or with countries, in which the victims have a permanent residence, ensure their safe return.

Article 6

The following rights of victims shall be guaranteed by the CAs:

1. The right to protect their inviolability and identity.
2. The opportunity to state their position and to be recognized in accordance with this position.
3. The right to counseling with regard to their rights, and the right to be kept informed of the judicial and administrative procedures in which they are involved.
4. The right to remain in the state's territory until the conclusion of legal investigations and any subsequent trial.
5. The right to access legal assistance including the counseling of an attorney.
6. The right to appropriate remedy for damages suffered.
7. The right of protection and security.

Article 7

The Competent Authorities (CAs) shall provide appropriate facilities for sheltering victims which allow them to receive their relatives, attorneys and representatives of the CAs, all without prejudice to the other safeguards provided for in any other law.

Article 8

The CAs 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 the present 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 in crimes of HT and shall take steps to provide for their protection, and their expeditious, safe return.

Article 10

The competent court having jurisdiction to consider and pursue criminal charges arising from any of the offences provided in this Law, shall also decide on instituting civil suits arising from such crimes.

Chapter Four: International Judicial Cooperation

Article 11

The Competent Judicial Authorities (CJAs) shall cooperate with respective foreign authorities in combating HT and identifying and prosecuting its perpetrators. This cooperation shall, *inter alia*, include the exchange of information, collaboration in investigations, judicial assistance and rogatory, the extradition of objects and the recovery of criminally-acquired funds and other forms of judicial cooperation. Without prejudice to the fundamental principles of the state legal system, all this shall be performed under the rules elaborated in the Criminal Procedures Law referred to above, and in accordance with bilateral or multilateral agreements in force in the State of Qatar, or according to the principle of reciprocity.

Article 12

The CJAs may order the execution of the final legal judgments issued by the competent foreign judicial authorities, including: seizure, confiscation or recovery of funds obtained from HTO and revenues thereof; all under the rules and procedures of the bilateral or multilateral agreements in force in the State of Qatar, or in accordance with the principle of reciprocity.

Chapter Five: Penalties

Article 13

Without prejudice to any more severe penalty prescribed in another law, the penalties stipulated in this law shall be applied.

Article 14

Whoever commits human trafficking crimes as set forth in Article 2 of this Law shall be punished by imprisonment for a period not exceeding seven years and a fine not to exceed two-hundred-and-fifty thousand (250,000) Riyals.

Article 15

Whoever commits a human trafficking crime involving any of the following cases shall be punished by imprisonment for a period not to exceed fifteen years (15) and a fine not to exceed three-hundred thousand (300,000) Riyals:

1. If the victim was a female or a child, or incapacitated or who is otherwise disabled.
 2. If the crime has resulted in the death of the victim or caused the victim a permanent disability or a serious and incurable disease.
 3. If the perpetrator was the spouse, one of the ascendants or descendants, custodian or guardian of the victim; or having some authority thereover.
 4. If the act has been committed by way of threats of death, grave harm, through physical or psychological torture, or by threats with a deadly weapon.
 5. If the perpetrator is a public official or who was assigned to carry out a public service and who committed the crime by exploiting this capacity.
 6. If the crime was committed by an organized criminal group and the person committing this crime was one of its members.
 7. If the crime was of a transnational nature.
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Article 16

Whoever uses force, threats, or offers gifts or advantage of any kind or a promise thereof; to induce another person to provide false testimony or information, or conceal a matter during the course of evidence collection, investigation or trial relating to the commission of any of the crimes stipulated in this law; shall be punished by imprisonment for a period not exceeding five years and a fine not exceeding two-hundred-thousand (200,000) Riyals.

Article 17

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

Article 18

Whoever conceals a perpetrator, or an object, or funds obtained by any of the crimes stipulated in this Law, or whoever knowingly conceals evidence thereof, shall be punished by imprisonment for a period not exceeding three (3) years and with a fine not exceeding a hundred-and-fifty-thousand (150,000) Riyals.

The court may exempt from penalty, a person who conceals one of the perpetrators, if the person is related by marriage or by first or second degree familial relations to the perpetrator.

Article 19

Whoever is proved to have had knowledge about the commission or the attempt to commit any of the crimes stipulated in this Law and did not notify the CAs, 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 official or assigned to public service and the crime resulted in the breach of his employment duties, the penalty shall be imprisonment for a period not exceeding five (5) years and a fine not exceeding two hundred thousand (200,000) Riyals.

The court may exempt from penalty, a person who omits to inform the authorities about these crimes, if the person is related by marriage or by first or second degree familial relations to the perpetrator.

Article 20

Whoever discloses or reveals the identity of a victim or a witness in a way that endangers or causes them harm, facilitated the perpetrator contact therewith; or whoever provides the victim with false information regarding his legal rights, with the intention of causing him further damage or jeopardizing his physical, psychological or mental wellbeing, shall be punished by imprisonment for a period not exceeding two years and a fine not exceeding fifty-thousand (50,000) Riyals.

Article 21

A person who instigates the commission of any of the offences stipulated in the aforementioned Articles of this Chapter by any means shall, irrespective of whether those intentions were realized, be punished by imprisonment for a period not exceeding seven (7) years and a fine not exceeding fifty-thousand (50,000) Riyals. This shall apply even if the incitement has no effect on the commission of the offence.

Article 22

A person 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 any of the offences stipulated in this Law have been committed by one of the employees of the juristic person, name or benefit thereof; if it is proven that he had knowledge of such a crime or if the crime has taken place as a result of breach of his employment duties.

The juristic person shall be jointly liable to pay the adjudged financial penalties if the crime has been committed in the name of its workers, or for their benefit.

The court may *mutatis mutandis* suspend the activity of the juristic person for a period not exceeding two (2) years, cancel or withdraw license thereof.

Article 23

Without prejudice to the rights of *bona fide* third parties, the court shall, in all cases, confiscate funds, possessions, means of transport or items illegally obtained from any of the offences stipulated in this Law or used in the commission thereof.

Article 24

The perpetrator who informs the CAs about an offence and its perpetrators before their knowledge thereof, shall be exempted from the penalties provided for in this Law, provided that such information led to the arrest of other perpetrators, and recovery of the proceeds of their crimes.

The court may order an exemption from punishment if the information was communicated to the authorities after they had already become aware of the crime, but in circumstances where this information led to the arrest of the rest of the perpetrators and seizure of funds derived therefrom.

The provisions of this Article shall not apply if the crime resulted in the death of the victim or caused him a permanent disability or an incurable disease.

Article 25

The victim shall be exempted from penalties prescribed according to Law No. 4 of 2009 on Regulation of the Entry, Departure, Residence and Sponsorship of Expatriates.

Article 26

No complaint or application shall be filed by the victim or guardian thereof, to initiate the criminal proceeding on any of the offences provided for in this Law.

Article 27

Any provision which is contrary to the provisions of this Law shall be repealed

Article 28

All CAs, each within its own competence, shall implement the provisions of this law and shall publish it in the Official Gazette.

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