



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF OMAN TO THE  
LIST OF ISSUES (CRC/C/OPSC/OMN/Q/1) TO BE TAKEN UP IN  
CONNECTION WITH THE CONSIDERATION OF THE INITIAL  
REPORT OF OMAN SUBMITTED UNDER ARTICLE 12,  
PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD  
PORNOGRAPHY (CRC/C/OPSC/OMN/1)\* \*\***

[Replies received on 21 April 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes are available with the Secretariat in Arabic.

The Sultanate of Oman abides by its international commitments, in particular the Convention on the Rights of the Child and the two Optional Protocols thereto, shares the international community's concern about the sale of children, child prostitution and child pornography and considers that efforts are needed to raise awareness of the Optional Protocol among the public at large and all relevant stakeholders in order to improve the situation and the lives of children.

In keeping with its belief in the importance of respect for children's rights, especially the rights set forth in the Optional Protocol, the Sultanate of Oman ratified the Optional Protocol on the sale of children, child prostitution and child pornography pursuant to Royal Decree No. 41/2004. The Sultanate furthermore enacted a series of related laws, as detailed in its initial report to the Committee, followed by a raft of legislation on various aspects of child protection, including, for example, the Human Trafficking Act, the Juvenile Criminal Liability Act, the Disabled Persons Welfare and Rehabilitation Act, the Counter-Terrorism Act and the Money Laundering Act. Oman acceded to the Convention on the Rights of Persons with Disabilities by Royal Decree No. 121/2008, and a children's bill which takes up various important aspects of child protection is being drawn up at the present time. The Sultanate has organized awareness activities, programmes and events relating to the Convention on the Rights of the Child and the two Optional Protocols and has set up a national human rights committee. It has also acceded to various regional and bilateral agreements aimed at providing enhanced protection for people.

In furtherance of efforts to provide enhanced protection and welfare for persons, particularly children, the Omani Criminal Code is being updated to include unlawful acts and practices not covered by the prevailing legislation as designated criminal offences.

In keeping with its international commitments, the Sultanate hereby submits the following replies to the requests for clarification and observations of the Committee on the Rights of the Child.

1. ***Please provide disaggregated data (including by sex, age, urban/rural areas) for the years 2005, 2006, and 2007 on:***
  - (a) ***The number of reported cases of sale of children, child prostitution and child pornography, with additional information on the type of follow-up provided on the outcome of the cases, including prosecution and sanctions for perpetrators;***
  - (b) ***The number of child victims provided with recovery assistance and compensation as defined in article 9, paragraphs 3 and 4 of the Optional Protocol.***

There are no figures on the number of cases, because there are no such cases. In accordance with the Optional Protocol, the relevant authorities are creating databases to allow for the possibility that a case might arise. The Sultanate of Oman is profoundly concerned about the existence of these practices (the sale of children, child prostitution and child pornography) in certain countries and is taking action to classify such practices as offences in Oman.

**2. Authority with primary responsibility for the follow-up and implementation of the Optional Protocol**

(a) Many governmental and non-governmental bodies in the Sultanate of Oman work together to implement the Optional Protocol in conjunction with the Follow-up Committee on the implementation of the Convention on the Rights of the Child, which was established by Minister for Social Development decision No. 9/2001 issued by the Ministry of Social Development on 26 November 2001. The Follow-up Committee is chaired by the Undersecretary of State for Social Development and has 12 members representing the following bodies: the Ministry of Health, the Ministry of Legal Affairs, the Ministry of Justice, the Ministry of Education, Sultan Qaboos University, the Royal Omani Police, the Ministry of Social Development (four representatives), the Disabled Children's Welfare Association (one representative) and the Early Intervention Association for Disabled Children (one representative).

The Follow-up Committee has three subcommittees, namely, the Information and Awareness Committee, the Studies and Research Committee and the Legal Committee, which are responsible for:

- Following up on the implementation of the Convention on the Rights of the Child
- Preparing periodic reports on the implementation of the Convention
- Raising awareness of the Convention

Pursuant to ministerial decision No. 50/2006 issued by the Ministry of Social Development on 6 February 2005, the Follow-Up Committee was restructured to include a representative of the Ministry of Endowments and Religious Affairs. There are plans to include other members representing respectively the Ministry of Information, the Ministry of Foreign Affairs, the Ministry of Manpower, the Ministry of the Economy and the Department of Public Prosecutions.

After acceding to the Optional Protocols to the Convention on the Rights of the Child in April 2004, the Sultanate tasked the above-mentioned Committee with follow-up on the implementation of these instruments and with the duties outlined above.<sup>1</sup>

**3. Measures taken to establish an effective system of data collection (a database) on violations of provisions of the Optional Protocol**

There are a number of national committees which provide data that can be used to establish a database on violations of the Optional Protocol. The committees are described hereunder.

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<sup>1</sup> Annex 1: Ministerial decisions Nos. 9/2001 and 50/2005.

### **National Committee for Family Affairs**

The National Committee for Family Affairs was established by Royal Decree No. 12/2007 under the chairmanship of the Minister for Social Development. Its members include the undersecretaries of State for education, the economy and heritage and culture, in addition to the Prosecutor-General, the Assistant Inspector-General for the Police and Customs, the Chairman of the Oman Chamber of Trade and Industry and the Director of the General Directorate for Family Development of the Ministry of Social Development (formerly the General Directorate for Women and Children). The National Committee recommends family welfare policies and programmes, liaises between governmental and voluntary bodies, promotes studies and research on the family and follows up on the implementation of decisions and recommendations emanating from international and regional meetings and from conferences that deal with family issues and the other subjects detailed in the Decree.<sup>2</sup>

### **National Committee to Combat Human Trafficking**

Article 22 of the Human Trafficking Act provides for the establishment of a committee to be called the “National Committee to Combat Human Trafficking”. The Committee was duly formed pursuant to a Cabinet decision and is chaired by the Inspector-General for the Police and Customs. It held its first meeting on 1 April 2009.

The Committee’s functions are listed in article 23 of the same Act: the formulation of a plan for dealing with human trafficking; coordination with local, regional and international institutions on the creation of legislation on the offence of human trafficking; and the establishment of victim rehabilitation programmes.<sup>3</sup>

### **Working groups to review cases of children at risk of abuse**

Pursuant to Royal Decree No. 12/2007, concerning the terms of reference of the National Committee for Family Affairs, and to the decision of the National Committee for Family Affairs to establish working groups to review cases of children at risk of abuse, ministerial decision No. 78/2008 was issued establishing working groups in the regions and governorates of the Sultanate. Members represent the following bodies:

- Ministry of Social Development
- Ministry of Education
- Ministry of Health

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<sup>2</sup> Annex 2: Royal Decree No. 12/2007 establishing the National Committee for Family Affairs and defining its terms of reference.

<sup>3</sup> Annex 3: the Human Trafficking Act issued by Royal Decree No. 126/2008.

- Royal Omani Police
- Department of Public Prosecutions
- Omani women's associations<sup>4</sup>

Each working group is chaired by the local general manager for social development, and the working groups perform the following functions:

- Reviewing and following up on cases of children at risk of abuse and neglect (all forms of abuse and degrading treatment) in their local district, with assistance from the entities to which cases are referred (police stations, hospital emergency rooms and government or private clinics)
- Conducting visits to interview children and to identify the causes and assess the gravity of each case, and collecting data using the online questionnaire designed for the purpose
- Raising awareness among, and offering guidance and instruction to, families in the respective areas of operation of each working group, with a particular focus on the families of children at risk of abuse
- The working group and the competent authorities jointly formulate appropriate action plans to deal with cases, and the working group liaises on a continuous basis with local bodies or committees in the regions and provinces in an attempt to create stable psychological and social conditions in families<sup>5</sup>

### **National Committee on Drugs and Psychotropic Substances**

In accordance with Royal Decree No. 17/99, concerning the enactment of the Drugs and Psychotropic Substances Act, the Minister of Health issued decision No. 24/2000 establishing the National Committee on Drugs and Psychotropic Substances chaired by the Undersecretary of State for Health and with members from relevant bodies. The National Committee is responsible for collecting and analysing the information sent to it by various State institutions, creating a system and mechanisms to combat drug dependency, monitoring the disease and liaising with the competent State authorities in discharging its functions.

The Ministry for Social Development, in its capacity as a member of the National Committee, takes part in events and activities (such as seminars and talks) run by the National Committee.

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<sup>4</sup> Annex 4, ministerial decision No. 78/2008, establishing the above-mentioned working groups.

<sup>5</sup> See Annex 3: Royal Decree No. 12/2007 establishing the National Committee for Family Affairs and defining its terms of reference.

### **Documenting child abuse cases**

The Ministry of Health set up a database to document child abuse cases which come to the attention of health institutions throughout the Sultanate. A questionnaire was designed for the purpose and health workers across the country were given training on the questionnaire, its purpose, how to fill it in and how to identify cases that need to be reported.<sup>6</sup>

When the Juvenile Criminal Liability Act enters into force it will be possible to provide a source of information that will contribute to the establishment of a data collection system on violations of the Optional Protocol.

#### **4. *Action taken to adopt a national strategy for children, whether the strategy refers to the areas covered by the Optional Protocol and the progress made in this regard***

Given the considerable importance attached to children in the Sultanate of Oman, a draft national strategy on child welfare is being prepared with the aim of: guaranteeing children the highest standards of protection and care; addressing and preventing the problems associated with childhood; and establishing regulations, programmes and plans to achieve those ends. The main goals include:

1. Providing children with comprehensive care and protection and ensuring that they grow up in a safe, danger-free environment.
2. Protecting children, enacting laws to guarantee their rights and ensuring the realization of these rights in society.

Several other topics of relevance to the two Optional Protocols have been included in the strategy (the information below is taken from the strategy, which is still being formulated).

The strategy is designed to update and amend certain legal texts, based on a review of all existing laws and legislation and the enactment of a special law on children, in order to improve children's rights.

This task involves the following:

- Reviewing child labour laws and developing mechanisms for implementing existing legislation in order to provide children with better protection in respect of employment and hazardous work
- Providing medical, psychological and counselling services for victims of abuse

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<sup>6</sup> Annex 5: the Drugs and Psychotropic Substances Act issued by Royal Decree No. 17/99 and Annex 6: Minister of Health decision No. 24/2000, establishing the National Committee on Drugs and Psychotropic Substances.

- Setting up a hotline for reporting abuse
- Designing and developing programmes to rehabilitate the families of abused children and the children themselves through social reintegration
- Sensitizing the public, through the media, to the dangers of child abuse

5. *Activities and events to raise awareness of the subject matter of the Optional Protocol and of the Convention, as indicated in the State party's report*

1. **Activities and events arranged by the Follow-up Committee on the Implementation of the Convention on the Rights of the Child**

(a) Training

- The Follow-up Committee on the Implementation of the Convention on the Rights of the Child planned and carried out training with the relevant authorities. Numerous training courses were held in a variety of institutions, including at the Ministry of Information and the Ministry of Education.
- Two training courses for persons who work on children's issues were held on designing children's programmes in accordance with the Convention on the Rights of the Child. The courses were held in cooperation with the UNICEF bureau in Muscat and with the Information Committee, a subcommittee of the Follow-up Committee on the Implementation of the Convention on the Rights of the Child.
- Meetings and courses were held with journalists and jurists in the Sultanate to make the Convention and the two Optional Protocols more widely known and to explore ways and means of drawing the public's attention to them.

(b) Awareness and dissemination

- A literary and cultural competition for schoolchildren was held to disseminate information about the Convention.
- Some 25,000 posters and information leaflets on the Convention were printed and distributed to all institutions that work in the children's domain. The materials are distributed at sports stadiums, public venues and similar locations in order to ensure that they get seen.
- The Sultanate, in conjunction with UNICEF, takes specific measures to disseminate information about the Convention through the Ministry for Social Development and in cooperation with women's associations and the relevant authorities. To that end, it sets up periodic programmes to disseminate the Convention more widely and to bring the text to the attention of all those who work with children.

- With a view to disseminating the Convention among children, a workshop was held on the preparation of booklets bearing the title “Children’s images of their rights”.
- Publications and leaflets were designed providing information about the Convention on the Rights of the Child.
- Meetings were held with officials of relevant institutions on publicizing the Convention.

(c) Freedom of opinion and the Convention on the Rights of the Child

- Four children’s conventions were held, in accordance with article 13 of the Convention, concerning guarantees of the right of the child to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas as a means of preserving children’s integrity and self-respect.
- Every year a children’s tent is erected at the Muscat Festival as a way of drawing attention to the Convention.
- A children’s debate was held on the subject of a world fit for children.

(d) Awareness-raising for deaf children is assured through sign language programmes developed by the Ministry of Social Development for children who are deaf and those who work with them. In addition, news reports and some television programmes use sign language to convey information to deaf children about their rights.

## **2. Family counselling and guidance: activities and events**

### **(a) Special courses**

The Ministry of Social Development has run several special family guidance and counselling courses, which are described below:

- Eight special courses were held for staff of social development departments, Omani women’s centres and associations and for persons who work with individuals and families experiencing particular problems. The aim was to prepare for the opening of family advice centres in all regions of the Sultanate (25 January 2003 to 15 April 2006).<sup>7</sup>
- A training course on psychological counselling for children was held in January 2009 for psychosocial counsellors who work in various relevant institutions.

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<sup>7</sup> Annex 7, programme of special training courses

**(b) Seminars**

Item	Seminar title	Date held
1.	Changes in the family's traditional role in the light of the challenges posed by globalization and by rapid advances in information technology	September 2003
2.	The Omani family: current challenges and future goals	October 2004
3.	Socialization in a changing world	December 2005
4.	The family and the law (workshop)	April 2007
5.	Family interaction and communication techniques (Muscat)	December 2007
6.	Dimensions and elements of family cohesion (held on the occasion of Arab Family Day)	February 2008
7.	Family interaction and communication techniques (Al-Dakhiliyyah region)	November 2008

**3. Activities, events and education**

The Ministry of Education has organized a number of awareness-raising events on human rights and the rights of the child, particularly in relation to the academic curricula used in the Sultanate of Oman. The General Directorate took the following steps to incorporate human and children's rights concepts into academic curricula:

(a) Two seminars, led by an expert from a human rights organization, were held on spreading a culture of human and children's rights in education (teachers, supervisors, school heads, curriculum designers, Ministry representatives);

(b) A three-day training course was held in October 2004, in conjunction with UNICEF, for designers of curricula covering different subjects. The aim was to disseminate information about the contents of the Convention on the Rights of the Child and to categorize the rights set out therein (civil rights and freedoms, economic, health, cultural and social rights and protection);

(c) A working group was set up by the General Directorate for Curriculum Development to incorporate children's rights concepts into curricula. The working group comprises representatives for each subject (Islamic instruction, Arabic, social studies, life skills, mathematics, information technology, English, school sports, music and fine arts). The working group was tasked with conducting a comprehensive review and analysis of existing curricula in order to determine how far they take account, directly or indirectly, of children's rights and how far these rights are covered in study programmes;

(d) The Ministry of Education, through the General Directorate for Curriculum Development - which engaged a curriculum expert for the purpose - held a joint workshop with UNICEF from 26 to 30 November 2005 on the incorporation of children's rights principles in the curricula used in the Sultanate. The workshop focused on the following objectives:

- Developing a clear picture of how children's rights principles can be incorporated into academic curricula, drawing on the experiences of other States

- Creating a system based on one clear mechanism for the integration of children's rights
- Training participants to design a series of activities
- Training participants to invent activities relating to children's rights for inclusion in curricula
- Training qualified Omani managers to carry out this task

(e) In April 2006, the working group on the incorporation of children's rights principles into curricula carried out a joint visit with UNICEF to the Educational Center for Research and Development in Lebanon in order to learn about its experience of incorporating children's rights into curricula. Based on that visit, the working group concluded that there was a need to incorporate the Convention on the Rights of the Child and the Universal Declaration of Human Rights into curricula and to establish an integrated system for the task;

(f) Another joint workshop with UNICEF was held from 16 to 20 December 2006 to assess the work accomplished by the working group and to offer training on teaching methods and the assessment of rights-related activities;

(g) For curriculum development, the General Directorate adopted a draft document on incorporating human and children's rights principles into the academic curricula for the first cycle of basic education in the Sultanate. The working group drew up guidelines on the document and on the design of supporting systems and activities. It also engaged a curriculum expert to review the working group's achievements;

(h) A joint workshop with UNICEF was held on 3 and 4 November 2007 to collect feedback on the document and to adjust the systems and activities designed for each academic subject, with a view to putting the document into an appropriate format, creating special files for each teaching topic and providing training on how to use them;

(i) Since learning about these rights serves an important educational need, these rights being an essential aspect of a young person's education, a workshop was held on Wednesday, 30 April 2008, at the main training centre of the Department of Training and Further Training for senior teachers in the first cycle, some supervisors of grades 1 and 2 and supervisors of personal and life skills education in the governorate of Muscat and the regions of Al-Batinah South, Al-Batinah North and Al-Dakhiliyya. The working group which drew up the document on incorporating human and children's rights principles into Omani curricula in the first cycle of basic education delivered training in four pilot regions on using the document in the classroom and on the establishment of a post-training follow-up plan;

(j) If the above-mentioned endeavours to meet the goal of disseminating a human rights culture (concepts, skills, objectives and values) among students are to bear fruit, then it is necessary to have teachers who are qualified, aware, trained and convinced of the intellectual and practical value of human rights principles. Teachers must undergo pre- and in-service training if

human rights in general and children's rights in particular are to be given enhanced support. Hence, the General Directorate for Curriculum Development has formulated an integrated training plan for teachers, supervisors and curriculum designers on using and applying the document in education during the 2008/09 academic year and in curriculum design and development. At a meeting of the joint committee of the Ministry of Education and Sultan Qaboos University, the Directorate recommended that human rights should be incorporated into the curriculum of the University's Faculty of Education as a subject in its own right.

**6. *Special training, particularly legal and psychological training, for professionals, such as judges, social workers and medical professionals, who may come into contact with child victims of the offences under the Optional Protocol***

(a) The Higher Institute of the Judiciary was established by royal decree to provide training to judges, members of the public prosecution service and law enforcement personnel. A draft regulation on the Institute's study programme for the aforementioned persons is being prepared. The subjects of study will include: treaties and covenants that deal with human and children's rights; the two Optional Protocols; women's rights; the binding force of international human rights treaties and of international humanitarian law; and skills training for the implementation of these treaties.

(b) The Ministry of Social Development prepared and delivered a series of educational talks on the Convention on the Rights of the Child for foster mothers and staff at the Child Welfare Home (a special residential facility for orphaned children and children of unknown parentage) in order to raise awareness of the rights embodied in the Convention on the Rights of the Child and to help to ensure the realization of those rights.

(c) In the framework of an annual training plan, in 2007 the Ministry of Justice held a workshop for social workers on family and psychological counselling. The training covered the skills needed for dealing with family or psychological problems.

(d) The Ministry of Manpower has run a number of training programmes for its investigation officers, as detailed below:

- (i) An eight-day training course on labour inspections was held in conjunction with the International Labour Organization (ILO) on various dates between 4 August 2007 and 11 August 2008;
- (ii) As part of the training course, in coordination with ILO, 10 labour inspectors were sent to Singapore to learn about that country's experience of conducting inspections;
- (iii) A mini-guide was published on conducting labour inspections in accordance with the Omani Labour Code and international law, in order to facilitate inspectors' work. The guide was then distributed to inspectors;

- (iv) A training course on the Labour Code for labour inspectors was held in English to enable the trainees to explain the contents of the Labour Code to foreign employers;
- (v) A refresher course entitled “Labour inspection policies and strategies” was held, in conjunction with ILO, at the Oman Chamber of Trade and Industry on 24 and 25 August 2008;
- (vi) An inspector was sent to Italy and Switzerland for 11 days in 2008 to attend seminars and workshops on international labour standards;
- (vii) A one-week training course on the Labour Code was held at the Ministry in 2008;
- (viii) A regional workshop on the policies of labour inspection departments in the Arab Gulf States was held from 1 to 3 March 2009.

**7. *Progress made towards the establishment of an independent national human rights institution with a mandate to monitor the implementation of the Optional Protocol***

The National Human Rights Committee was established by Royal Decree No. 124/2008 and has legal personality and operational autonomy. Headquartered in the city of Muscat, the Committee oversees the protection of human rights and human freedoms in the Sultanate in accordance with the Basic Law of the State and the international treaties to which the Sultanate is a party. The Committee acts as an adviser to State authorities and contributes to the preparation of reports on related subjects. In addition, it reports on, and helps to resolve, cases of human rights violations or infringements which occur in the State. The Committee comprises 14 members from various governmental and non-governmental bodies. Members are given a three-year, renewable mandate.<sup>8</sup>

**8. *Further information on initiatives taken by the State party to prevent child sex tourism. Measures taken to disseminate the Code of Conduct developed by the World Tourism Organization on the protection of children from sexual exploitation in travel and tourism***

It should be pointed out that the Sultanate of Oman has ratified the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), which prohibits all forms of slavery, the sale of children, trafficking of children and child prostitution or child pornography. Any form of exploitation of children in any domain, including tourism, is prohibited, and children under the age of 18 may not be employed in any part of the tourism sector in the Sultanate.

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<sup>8</sup> Annex 8: Royal Decree No. 124/2008 establishing the Human Rights Committee and defining its terms of reference.

Under article 75 of the Labour Code issued by Royal Decree No. 35/2003, children below 15 years of age cannot be employed. According to article 76 of the Code, young persons below the age of 18 may not work between the hours of 6 p.m. and 6 a.m. and may not be effectively employed for more than six hours a day. They may not remain in the workplace for more than six consecutive hours and their working hours must be interspersed by one or more rest and meal breaks of at least one hour in total. There are restrictions on the break or breaks, in the sense that children must not work more than four consecutive hours.

In addition, the Code (art. 77) stipulates that young persons may not undertake overtime work or remain in the workplace after the end of their working day. Young persons may not work on rest days or on official holidays.

Under article 78 of the Code, employers with one or more young persons in their employ are required to:

1. Display, in the workplace, a copy of the regulations on juvenile employment set out in the relevant section of the Labour Code and of any regulations issued by the Minister.
2. Maintain a list of the names, ages and date of employment of the young persons in their employ.
3. Display, in a prominent position in the workplace, details of working hours, rest breaks and weekly days of rest.
4. Notify the relevant department in advance of the names of young persons who will be employed and of the persons who will supervise their work.

Article 79 of the Code states that the system for employing young persons of different ages, their conditions of work and the jobs, occupations and trades in which they are permitted to work shall all be defined in a decision of the Minister.

Under article 118 of the Code, anyone who breaches the Code is liable to a fine of up to 100 Omani rials (RO). If the offence is repeated within the same year, the employer is liable not only to a fine but also to a term of up to one week in prison.<sup>9</sup>

The Human Trafficking Act makes it an offence for legal persons (including hotels and tourism enterprises) to participate in the sale or exploitation of children. Thus, article 10 of the Act states that where an offence of human trafficking is committed by a legal person, the person responsible for managing the legal person is liable to the penalty prescribed for the offence, provided that it can be proved that the manager knew about the offence.

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<sup>9</sup> Annex 9: Labour Code issued by Royal Decree No. 35/2003.

The Tourism Act issued by Royal Decree No. 33/2002 and the implementing regulations issued by ministerial decision No. 91/2003 stipulate (arts. 11 and 12) that all tourism enterprises are subject to State oversight and that no hotel or tourism business may be established, run or managed without a licence from the Ministry of Tourism. In this way, the State guarantees that there is no exploitation of children in tourism destinations.

The Act (art. 20) stipulates that no person may work as a tourist guide without a licence issued by the Ministry in accordance with the implementing regulation. In that connection, the Sultanate of Oman became a member of the World Tourism Organization pursuant to Royal Decree No. 80/2003.<sup>10</sup>

The Penal Code includes a range of penalties, as was explained in the previous report.<sup>11</sup>

## **9. *Revision of the Penal Code***

In addition to the information contained in the initial report of the Sultanate concerning the laws in force, in particular the parts of the Penal Code and the Code of Criminal Procedures that have a bearing on the Optional Protocol, some laws of relevance to the Optional Protocol were enacted recently, namely:

(a) The Human Trafficking Act issued by Royal Decree No. 126/2008 of 23 November 2008, which contains various articles relevant to the Optional Protocol, including:

- Definition of exploitation: the unlawful use of a person, including in prostitution, any form of sexual exploitation, slave labour, forced labour, slavery or practices similar to slavery or the removal or unlawful transplant of organs.
- Article 2 of the Act classifies human trafficking as a criminal offence and defines the perpetrator of such an offence as anyone who, by means of coercion, threats, deception, abuse of position or influence or by taking advantage of a person's vulnerability or by using power over that person or by any other illegitimate means, whether direct or indirect, deliberately uses, transfers, houses or receives a person for the purpose of exploiting him or her. Paragraph 2 of the same article states that for the purposes of child protection, a perpetrator of a human trafficking offence is anyone who uses, transfers, houses or receives a minor, even by means other than those described above.

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<sup>10</sup> Annex 10: Tourism Act issued by Royal Decree No. 33/2002.

Annex 11: Implementing regulation for the Tourism Act, issued by ministerial decision No. 91/2003.

Annex 12: Royal Decree No. 80/2003, concerning accession by the Sultanate to membership of the World Tourism Organization.

<sup>11</sup> Annex 13: Penal Code issued by Royal Decree No. 91/2003.

- Article 3 of the Act stipulates that no consideration shall be given to a plea that the victim gave his or her consent, where the victim was a minor.
- Article 5 of the Act sets out some of the measures that may be taken during questioning or trials of minors, namely: informing them of their legal rights in a language that they can understand; offering them the opportunity to present information about their legal status and their physical, psychological and social circumstances; presenting victims in need of special care or housing to the competent authority; placing the person, as the case may be, in a medical or psychological rehabilitation centre, a welfare home or a special residential centre; and providing suitable protection for victims or witnesses, including by allowing them to remain in the Sultanate if necessary for the purposes of the investigation or trial proceedings.

The Act prescribes a severe penalty - a term of from 7 to 15 years' imprisonment and a fine of from RO 10,000 to RO 100,000 - where the victim of the offence is a minor or a person with a disability (art. 9).<sup>12</sup>

The Juvenile Criminal Liability Act issued by Royal Decree No. 30/2008 lays down the procedures for dealing with minors at risk of delinquency and with juvenile offenders in order to rehabilitate them and provide appropriate means for their reform and social reintegration. Some of the most important provisions of the Act on the subject of child protection are described hereunder.

- The offence of negligence: under article 29 of the Act, a fine of from RO 10 to RO 300 shall be imposed on anyone, other than a parent, who is entrusted with the care of a minor and fails in his duty of care with the result that the minor is placed at risk of delinquency or commits an offence.

Under article 30 of the Act, a term of from 10 days to one year in prison and/or a fine of from RO 10 to RO 300 will be imposed on anyone who incites or helps a minor to abscond from a welfare home, or who gives shelter or a hiding place to a minor who absconds from a home, or who prevents a minor from returning thereto.

Under article 31 of the Act the penalty prescribed in article 30 may also be imposed on any person guilty of aiding and abetting a young person in any of the situations listed in article 3 of the Act, namely situations where the young person is at risk of delinquency.<sup>13</sup>

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<sup>12</sup> See Annex 3: Human Trafficking Act issued by Royal Decree No. 126/2008.

<sup>13</sup> Annex 15: Disabled Persons Welfare and Rehabilitation Act issued by Royal Decree No. 63/2008.

**10. Clarification as to whether child victims are provided with free legal aid**

1. The subject of legal aid is regulated under part V of the Lawyers Act issued by Royal Decree No. 108/96. Article 52 stipulates that the courts must appoint a lawyer to represent a party who is exempt from paying legal fees owing to indigence. Otherwise legal aid must be provided to persons who are unable to bring proceedings which by law must be initiated by a lawyer.<sup>14</sup>

2. The regulation on legal aid for the indigent covers the following categories of person:

- The indigent
- Persons who cannot afford legal fees
- Members of families living on social security benefits
- Persons with a monthly income of less than RO 400
- Any person who is without a job of any kind

The above categories are entitled to apply for legal aid, which covers:

- Exemption from the costs of bringing proceedings and of engaging experts
- Engagement of lawyers to bring proceedings which by law must be initiated by a lawyer

Children from families living on social security benefits, indigent persons and members of low-income families are entitled to exemptions and free legal services and in particular enjoy the right to seek legal recourse and to the services of a lawyer.

3. The Family Guidance and Counselling Department of the Ministry of Social Development offers advice to citizens in general and to children in particular through specialists trained to provide family, psychological and social guidance.

4. With regard to juveniles accused of an offence, under article 39 of the Juvenile Criminal Liability Act, the parents, guardian, testamentary tutor or custodian must engage a lawyer to present the juvenile's defence, otherwise the court will appoint a lawyer for the task.

5. Article 10 of the Labour Code stipulates that workers and designated dependants under the Code are exempt from paying costs at any stage of legal proceedings. Minors also benefit from this exemption.

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<sup>14</sup> Annex 15: Lawyers Act issued by Royal Decree No. 108/96.

6. According to article 8 of the Code of Criminal Procedures issued by Royal Decree No. 97/99, where a child is the victim of an offence which must be reported by means of a verbal or written complaint, then the guardian of the child must make the complaint.

- Where the offence was against property, a complaint from the testamentary tutor or the guardian will be accepted. In either case, all the provisions on complaints shall apply
- Where the interests of the victim and those of his or her representative clash, or where the victim has no representative, the public prosecution service will act on the victim's behalf

Articles 14, 304 and 348 of the Penal Code contain provisions designed to protect children and to stop them from falling into crime. Article 14 provides that where a minor under the age of 18 is prosecuted, the court must order the guardian, testamentary tutor or carer to be present with the minor throughout the proceedings in order to help the minor to present his or her defence. If necessary, the court may appoint a tutor to represent the minor in the proceedings.

Under article 304 of the Code of Criminal Proceedings additional protection is provided for children. The article states that where a man or woman with responsibility for a minor under the age of 15 and with a known address in the Sultanate are both given a custodial sentence, the enforcement of the sentence may be deferred for one of them until the other one is released.

Article 348 of the Code provides further special treatment for children who break the law. It stipulates that sentences handed down in respect of certain offences shall not be deemed previous convictions for which rehabilitation must be sought.<sup>15</sup> The offences concerned include juvenile offences.

**11. *Clarification as to whether jurisdiction can be established for all offences under the Optional Protocol on the basis of the nationality of the victim***

All persons in Oman, especially victims of crime, are entitled to the protection of the law, whatever their nationality. Children are entitled to special care and to the protection provided under other laws. Under the children's bill (which is being prepared), child victims are entitled to special care, meaning legal, social and psychological services. In addition, child victims have access to temporary or permanent family welfare homes and to legal representatives who can bring criminal proceedings and intervene with families in order to provide the necessary protection and care for all children whose legal rights are violated.

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<sup>15</sup> Annex 17: Code of Criminal Procedures issued by Royal Decree No. 97/99.

All the laws of the Sultanate affirm the principle of non-discrimination. Thus, everyone is equal before the law and everyone has equal rights and duties. This is a general principle which applies equally to adults, children, nationals and foreigners residing in Oman.<sup>16</sup>

**12. Clarification as to whether the current Penal Code allows for the criminalization of children who have been victims of child prostitution**

The Code does not criminalize child victims of sexual exploitation, since they are victims and are entitled to the protection of the law. They have every right to report offences committed against them, to take legal action against the perpetrators and to seek damages, provided they satisfy the set legal conditions.

Minors who commit criminal offences are legally responsible for their actions pursuant to the Juvenile Criminal Liability Act and must undergo a process of rehabilitation, as determined by law, for the purpose of their reintegration as useful members of society.

**13. Legal services provided for the social reintegration of victims as well as physical and psychosocial recovery measures available for victims of offences covered by the Optional Protocol and the State budget allocations earmarked for this purpose**

The Human Trafficking Act issued by Royal Decree No. 126/2008 (Annex 3) establishes various procedures for investigating and trying criminal offences, namely:

- (a) Informing accused persons of their legal rights in a language that they understand;
- (b) Presenting a victim who is in need of special care or housing to a competent authority and placing him or her in a medical or psychiatric facility, a welfare home or a special residential centre;
- (c) Providing appropriate protection for victims and witnesses whenever they need it;
- (d) Allowing victims or witnesses to remain in the Sultanate for the purposes of an investigation or trial or further to orders from the public prosecution service or a court, as the case may be.

Under article 17 of the Act, victims of human trafficking are exempt from paying the costs of civil suits for damages arising from their exploitation in the commission of an offence.

As stated in article 39 of the Act, the National Committee to Combat Human Trafficking is tasked inter alia with designing rehabilitation programmes to facilitate the prompt social reintegration of victims and with undertaking studies and research and conducting information campaigns on combating human trafficking and protecting victims.

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<sup>16</sup> Annex 18: Alien Residence Act issued by Royal Decree No. 16/95.

The criteria for granting juveniles a conditional release are laid down in article 46 of the Juvenile Criminal Liability Act. Various articles of the Act deal with the subject of social recovery of juveniles. For example, article 15 lists the following welfare measures:

(a) Supervision of the juvenile by any of the persons listed below who gives a pledge of good behaviour and is able to care for the juvenile:

- One or both of the parents
- The guardian or testamentary tutor
- A member of the immediate or the extended family
- A juvenile reform home or any accredited juvenile welfare institution

(b) A reprimand and a warning;

(c) An injunction prohibiting the juvenile from frequenting certain places;

(d) An injunction prohibiting the juvenile from performing certain kinds of work.

Under article 17 of the Act, where the juvenile police discover a young person at risk of delinquency in any of the situations to which article 3 of the Act refers, they must deliver the young person into the care of a parent, the guardian or the testamentary tutor. If none of these persons is able to take care of the young person, the public prosecution service must refer the matter to the courts for the issuance of an order for placement of the young person in a juvenile reform home or any juvenile welfare facility.

Article 20 of the Act provides for the following reform measures:

(a) Placement in a juvenile reform home;

(b) Probation;

(c) Enrolment in vocational training;

(d) Assignment of specific obligations;

(e) Placement in a health institution.

In addition to the above, article 21 of the Act stipulates that a juvenile offender may only be placed in a juvenile reform home pursuant to a court order. If the juvenile has a disability, placement must be effected in an appropriate rehabilitation home. The court order must stipulate the duration of the placement, which must be not longer than five years in the case of a serious offence and not more than two years in the case of a major offence. The juvenile may not remain in the institution after reaching the age of 18. Once juveniles reach this age, they will be transferred to a prison, unless they have a disability and provided that the court does not decide to keep them in the institution. The institution concerned must submit a report at least every six months on each juvenile's condition and behaviour.

Under article 22 of the Act a juvenile offender may be given probation in his natural environment, subject to supervision and guidance by a social worker. The requirements and the duration of the probationary period, which must not exceed two years, must be set out in a court order. If the juvenile fails to comply with the conditions of probation, the matter must be referred to a court for it to impose appropriate alternative measures in conformity with article 20 of the Act.

Article 23 of the Act defines enrolment in vocational training as consisting of the placement of the juvenile offender in a special centre or a factory or a farm that is owned or overseen by the State and has been designated by the Minister. The duration of such measures, up to a maximum of three years, must be specified in the court order.

Under article 25 of the Act, juvenile offenders who need to be admitted to a health institution must be placed in a special hospital.

The court concerned will oversee the young person's stay and treatment for periods of up to one year in each case, and medical reports must be submitted to the court so that it may decide when the placement should come to an end, if it deems that the young person's condition permits it. Young persons will be kept in hospital after reaching the age of 18, if warranted by their condition.

According to article 26 of the Act, the Juvenile Affairs Department must take measures to facilitate the social reintegration of juvenile offenders who have served their sentence and to mitigate any difficulties that they may face in adjusting to their new circumstances. These measures, which are designed to protect juveniles from reoffending, consist of the following:

- Family visits to prepare the family and social environment for the young person's return
- Assistance to ensure that the young person interacts positively with the persons in his or her immediate environment
- Assistance to the young person in utilizing appropriate opportunities for training, education and the generation of an income

The children's bill (under preparation) provides for the establishment of a family welfare centre to deal with children confronted with imminent danger, violence, neglect on the part of the family or a lack of family care. The purpose of the centre is to offer the necessary care and appropriate rehabilitation until these children return to their natural families.

The Ministry of Social Development issued directives on the placement of child victims of crime who are in need of temporary alternative family care in children's homes (currently used for child orphans and children of unknown parentage) after the children in these homes have been transferred to the new centre which is under construction.

With regard to the State budget allocation, the budget is part of the general budget assigned to the various ministries. The Ministry of Social Development is considering ways of defining the budget for women's and children's programmes and of benefiting from lessons learned

elsewhere in this regard. Numerous institutions are planning women's and children's programmes without establishing a budget for them. The forthcoming plan will define the size of the budget allocated for women and children.

**14. *Bilateral agreements that the State party has entered into with other countries in order to prevent and prosecute crimes under the Optional Protocol***

The Sultanate of Oman has acceded to a number of regional and bilateral agreements on the prosecution of criminals, including for the offences listed in the Optional Protocol. These agreements include:

1. The Riyadh Arab Agreement on Judicial Cooperation of 1985, which provides for cooperation between Arab States.<sup>17</sup>
2. Agreement between the Sultanate of Oman and India on extradition, ratified by Royal Decree No. 34/2005.<sup>18</sup>

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<sup>17</sup> Annex 19: Royal Decree No. 34/99, concerning the accession of the Sultanate to the Riyadh Arab Agreement on Judicial Cooperation of 1985.

<sup>18</sup> Annex 20: Royal Decree No. 34/2005, concerning the ratification by the Sultanate of the bilateral agreement with India.

### **Annexes**

1. Ministerial decisions Nos. 9/2001 and 50/2005, issued by the Ministry of Social Development on the establishment and restructuring of the Follow-Up Committee on the Convention on the Rights of the Child and the two Optional Protocols to the Convention.
2. Royal Decree No. 12/2007 establishing the National Committee for Family Affairs and defining its terms of reference.
3. The Human Trafficking Act issued by Royal Decree No. 126/2008.
4. Ministerial decision No. 78/2008, establishing working groups to review cases of children at risk of abuse.
5. The Drugs and Psychotropic Substances Act issued by Royal Decree No. 17/99.
6. Minister of Health decision No. 24/2000, establishing the National Committee on Drugs and Psychotropic Substances.
7. Programme of special training courses.
8. Royal Decree No. 124/2008 establishing the Human Rights Committee and defining its terms of reference.
9. Labour Code issued by Royal Decree No. 35/2003.
10. Tourism Act issued by Royal Decree No. 33/2002.
11. Implementing regulation for the Tourism Act, issued by Ministerial Decree No. 91/2003.
12. Royal Decree No. 80/2003, concerning accession by Oman to membership of the World Tourism Organization.
13. Omani Penal Code issued by Royal Decree No. 91/2003.
14. Juvenile Criminal Liability Act issued by Royal Decree No. 30/2008.
15. Disabled Persons Welfare and Rehabilitation Act issued by Royal Decree No. 63/2008.
16. Lawyers Act issued by Royal Decree No. 108/96.
17. Code of Criminal Procedures issued by Royal Decree No. 97/99.
18. Alien Residence Act issued by Royal Decree No. 16/95.

19. Royal Decree No. 34/99, concerning accession by the Sultanate to the Riyadh Arab Agreement on Judicial Cooperation of 1985.
20. Royal Decree No. 34/2005, concerning the ratification by the Sultanate of the bilateral agreement with India.
21. Report by the delegates of Oman who took part in the third World Congress against the Sexual Exploitation of Children and Adolescents held in Brazil from 25 to 28 November 2008.

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