



Convention on the Rights of the Child

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Summary record of the first part (public)* of 1420th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 9 June 2009, at 3 p.m.

Chairperson: Ms. Lee

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* The summary record of the second part (closed) of the meeting appears as document CRC/C/SR.1420/Add.1.

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The meeting was called to order at 3.10 p.m.

Consideration of reports of States parties (continued)

Initial report of Oman on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/OMN/1; list of issues (CRC/C/OPSC/OMN/Q/1); written replies by the State party to the list of issues (CRC/C/OPSC/OMN/Q/1/Add.1))

1. *At the invitation of the Chairperson, the delegation of Oman took places at the Committee table.*
2. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'eah** (Oman) said that the initial report by the Sultanate had not been prepared by the Ministry of Foreign Affairs, but by the National Follow-up Commission on the Implementation of the Convention on the Rights of the Child.
3. **Ms. Varmah** asked for clarification of the Human Trafficking Act, which had been adopted in 2008 as part of the revision of the Criminal Code, and in particular of its article 3 whereby no consideration would be given to the argument that a victim was consenting, if the victim was a minor, and of article 5, which determined what measures could be taken during the interrogation or trial of a minor. The Act laid down a severe penalty of from 7 to 15 years' imprisonment together with a heavy fine if the victim of the offence was a minor or a disabled person. She asked the delegation to explain what it meant by a "minor" and whether the penalties laid down were the same for minors and adults.
4. **Mr. Sheikh Khalifa bin Mohamed Al-Hadrami** (Oman) replied that the term "minor" applied to any boy or girl under the age of 18 years, and that when an offence was committed, the penalties handed down and the procedure followed were different for minors and adults. He added that the Act applied equally to Omanis and to foreigners living in the Sultanate.
5. He explained that while camel races were a national sport and part of the national cultural heritage, laws had been introduced to raise the minimum age for participating in the races to 18 years, in conformity with the objectives of the Convention and the requirements of protection for minors.
6. As a rule, children born in Oman received their father's nationality and name, although in certain cases provided for by law they acquired their mother's nationality. In no circumstances were they stateless.
7. **Mr. Ibrahim bin Said Al-Hosni** (Oman) said that Omani legislation allowed a child born of unknown parents to acquire Omani nationality and a family name. Children born abroad to an Omani mother and whose father was unknown also acquired Omani nationality. Lastly, children born to an Omani mother and a foreign father who had left the family home were entitled to the same services as Omani children. For the time being, the law prohibited dual nationality, although the matter was still under consideration.
8. **Ms. Ortiz** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked for details about children who were not entitled to nationality.
9. **Mr. Sheikh Khalifa bin Mohamed Al-Hadrami** (Oman) said that the 2008 Human Trafficking Act classified any form of exploitation, and in particular the sale of children, as a crime and that its article 2, paragraph 2, covered all aspects of trafficking in children.
10. The judicial procedure followed in respect of crimes against children was determined by the Human Trafficking Act and the Minors Act whose purpose was both to punish the guilty party and to protect the child. For that reason, children were not obliged to

attend the trial and could testify remotely. If they did attend the trial, they were accompanied by their parents, or failing that by a lawyer or a social worker and the hearings were held in camera. In certain cases, steps were taken to ensure the child did not come face to face with the accused and care was taken to limit the duration of the trial. Such cases were heard by a juvenile magistrate in a special court and in close collaboration with the Ministry of Social Development.

11. **Ms. Villarán de la Puente** asked whether the measures adopted to ensure children did not find themselves face to face with their aggressor were part of the Code of Criminal Procedure or of another instrument.

12. **Mr. Sheikh Khalifa bin Mohamed Al-Hadrami** (Oman) said in reply that the lawyers responsible for cases involving children were highly qualified and ensured that children were protected at every stage of the procedure. Accordingly, children were given psychological, legal and social support until the trial was over. They could also express their opinion and it was taken into account.

13. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) added that working groups under the aegis of the Committee for family matters, which was itself under the responsibility of the Ministry of Social Development, had been set up at the regional level. The groups comprised representatives of the relevant ministries, of the police, the public prosecutor, the media and civil society and considered cases of violence involving children that might occur in families, at school or in health centres. There had been very few such cases, and even then they could not really be considered as acts of violence.

14. Corporal punishment was prohibited in schools and other institutions. Any teacher or social worker who insulted or hit a child was liable to punishment.

15. The dissemination of the Protocol had also helped to ensure respect for children and their protection in families and medical centres.

16. The reason why there were no child welfare centres in Oman was that there were no real cases of violence. It had been proposed to set up a home for orphans and child victims of violence as part of a global project.

17. In addition, the Ministry of Social Affairs had set up a hotline for children which they could use to make any complaints. Lastly, different programmes had been set up to build up a data bank on violence against children.

18. **Mr. Koompraphant** asked for details of how the hotline operated and what follow-up was given to complaints by children.

19. **Ms. Shalifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) replied that complaints lodged via the hotline were received by social workers employed by the Ministry of Social Affairs who examined them and, if appropriate, referred them to the prosecution service. Any decision to prosecute depended on the public prosecutor.

20. **Mr. Sheikh Khalifa bin Mohamed Al-Hadrami** (Oman) said, with regard to the employment of children in the tourist industry, that a national tourism commission had been set up and that Oman had adopted an act on tourism, which took into consideration recent global trends in tourism.

21. Provisions on sexual exploitation applied to both legal and physical persons. Consequently, tourist establishments were liable to the penalties laid down for any offences committed on their premises.

22. In accordance with labour legislation, children were not allowed to work between 6 p.m. and 6 a.m. Firms were required to provide full information in that regard. The

competent officials of the Ministry of Tourism and the Ministry of Labour could inspect firms to ensure they complied with the law and to prevent abuses.

23. As for the application of penalties, under the Code of Criminal Procedure, if one or both parents were sentenced to prison, the Attorney-General was empowered to suspend the sentence to enable their child to receive its parent's support.

24. **Ms. Ortiz** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked the delegation for details about informal employment, and in particular the employment of children as servants. She asked how such employment was monitored, whether Oman had any figures on the number of children concerned and what measures had been taken to protect such children. She also asked for further information on children who rode as jockeys in camel races.

25. **The Chairperson** asked what supervisory mechanisms had been introduced to ensure that persons under the age of 18 years were not employed as jockeys in camel races.

26. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) said that there were no child servants, either Omani or foreign, in Oman and that Oman possessed information on all persons who arrived in the Sultanate; most servants were women aged over 18.

27. **Ms. Sahiha bint Mubarak Al-Azriyah** (Oman) said that the National Follow-up Commission on the Implementation of the Convention on the Rights of the Child had played a major role in setting up mechanisms to ensure respect for the rights of the child in connection with camel races. Officials responsible for the implementation of the Convention had met with race organizers and camel owners in order to ensure that the relevant rules were obeyed. There had also been meetings with the local authorities responsible for supervising the sport.

28. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) said that the Committee had received information that some neighbouring countries accepted children who worked as jockeys; such a practice was not authorized in Oman and no child could be brought into the country to work as a camel jockey.

29. **The Chairperson** reminded the Committee that in 2007, the Special Rapporteur on trafficking in persons, especially in women and children, had produced a report on her mission to Oman in which she said that children were employed in the informal sector, in farming and in fishing and as domestic servants.

30. **Ms. Ortiz** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that she shared the opinion of the Special Rapporteur that there was insufficient investigation and prosecution of trafficking and sale of women and children and asked the delegation for more detailed information in that respect.

31. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) said that during her mission to Oman, the Special Rapporteur had followed a very comprehensive programme which had been drawn up jointly by the Ministries of Social Affairs and of Foreign Affairs. She had also received from the Government all the necessary means to investigate every situation and location she wished in connection with all the aspects of her report. The Government had also provided replies to the questions asked in her report. Special rapporteurs were always welcome in Oman to examine the situation in that area.

32. **Mr. Tayfoor Sayyid Ahmed Ismail** (Oman) emphasized, in respect of the employment of children in fishing and farming, that the activities were family concerns. Children helped their father but were not paid. No children were brought into Oman for that purpose nor were they engaged in paid employment in farming or fishing.

33. **The Chairperson** asked the delegation for further information on matters of extradition and the responsibility of legal persons.
34. **Mr. Sheikh Khalifa bin Mohamed Al-Hadrami** (Oman) explained, in respect of pornography, that Omani society was conservative and that the Communications Act prohibited both adults and children from having access to pornographic matter on the Internet or by phone.
35. The minimum age for marriage was set at 18 years and any infringement of the rule was punished.
36. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) said that it was prohibited to enter into marriage without the oral consent of both spouses.
37. **Mr. Tayfoor Sayyid Ahmed Ismail** (Oman) added that the proportion of girls at school and university was 49 per cent, a figure which confirmed indirectly the decline in the number of early marriages.
38. **Mr. Ibrahim bin Said Al-Hosni** (Oman) referring to sexual exploitation, pointed out that the Criminal Code penalized servitude, exploitation and sale of persons as well as cross-border crime.
39. Although Omani law prohibited the extradition of Omani citizens to other States, an Omani who committed an offence in another State could be extradited to Oman, by virtue of a bilateral agreement between Oman and the country in question. If there was no bilateral agreement, acceptance of extradition was at the discretion of the other State.
40. **The Chairperson** said that although she understood the delegation's point of view that a decision on extradition was a matter for a State's discretionary power, the position of the Committee was that the Optional Protocol could be the legal instrument that justified a decision to extradite, even if there was no bilateral agreement between States.
41. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) said that when a minor who was held in detention reached the age of 18 years, he or she could be transferred to an establishment for adults at the decision of a judge. Situations were examined on a case-by-case basis, taking into account the full circumstances.
42. On their release, minors could be returned immediately to their families if they had behaved well during detention, failing which, they were sent to a support centre, where they were under the supervision of social workers, in order to continue their rehabilitation before once again becoming full members of society.
43. **Mr. Sheikh Khalifa bin Mohamed Al-Hadrami** (Oman) referring to the prohibition contained in the Communications Act on acquiring pornographic material, said that persons who helped in the acquisition of such material were also punished.
44. Whenever the courts considered a case involving a minor, they took into account the age of the perpetrator of the offence and their psychological and mental state. Minors had to be accompanied by their parents or, failing that, a member of their family from the start of the procedure until sentencing. In some cases, they were exempted from attending the procedure in order to protect them, although in such cases they were kept informed of developments in the procedure and of its outcome. The sentences handed down were enforced in a manner that ensured minors' integrity and safety. Further amendments to the legal instruments were planned in order to improve protection for minors.
45. **Ms. Ortiz** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether social workers received adequate training to provide child-centred services.

46. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) said that the natural disasters which had beset Oman in the previous two years had shown the efficacy and high level of training of social workers and emergency services. By drawing on its own capacities without being compelled to resort to foreign assistance, Oman had shown that it was short of neither skills nor ability in that area.

47. The Government was endeavouring to translate the Protocols into its own measures and practices and to draw the attention of the population to their provisions. It had, in particular introduced them into school curricula.

48. **Ms. Ortiz** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) thanked the delegation and commended the importance attached by the Sultanate of Oman to the Optional Protocol and to the work of the Committee. Inter alia, she recommended that Oman adopt, as soon as possible, a law on the rights of the child and emphasized that such a law provided an indispensable framework for satisfactory implementation of the Optional Protocol. It would also be desirable to conduct studies in order better to understand the situation of children's rights in Oman.

49. **Ms. Sharifa bint Khalfan bin Nasser Al Yahya'Eah** (Oman) thanked the Committee for its comments and emphasized the efforts made by Oman to implement both Optional Protocols. She said that she was looking forward to the Committee's recommendations and hoped that when Oman presented its next report, it would be able to show noteworthy progress.

50. *The delegation of Oman withdrew.*

The first part (public) of the meeting rose at 4.45 p.m.