

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL  
UNICEF INPUTS - Oman**

**I. Background and Framework**

**A. Constitutional and legislative framework**

- The Basic Law of Oman, considered to be the constitution of the Sultanate was promulgated in 1996 by the Sultan. The Basic Law, which identifies sharia as the basis of legislation, is composed of seven chapters. It outlines the basic institutions and administration of the country. The Basic Law stipulates equality to all Omanis, and extends assurances of protection to non-Omanis living in the Sultanate. The family is identified as the basic unit in society.
- The judiciary system and administration of justice is well structured in Oman, with clear delineation of roles and responsibilities. At the helm of the judiciary system is the Supreme Court. The function of public prosecution was conducted in Oman as part of the police, until 1999, when the Office of the Public Prosecution was established, separate from the Police, under the supervision of the Ministry of Justice. Courts dealing with civil, commercial, sharia and criminal matters are located in the various regions of the Sultanate, in line with the constitutional right of access to justice for all. In addition to above, there are military courts that deal exclusively with military offences.
- The Sultanate of Oman acceded to and ratified a number of the human rights instruments related women and children. In 1996, the Government of Oman (GoO) ratified the convention on the rights of the child (CRC), followed in 2004 by accession to the two optional protocols to the convention; the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC), and the Optional Protocol to the CRC on the Sale of Children, child prostitution and child pornography (OPSC). The GoO acceded to CEDAW in 2006. Early in 2009, the GoO ratified the Convention on the rights of persons with disabilities. Oman has also ratified a number of ILO conventions, including: C29 Forced Labour, (1998); C105 Abolition of forced labour Convention (2005), C138 Minimum age Convention (2005), C182 Worst forms of child labour (2001).
- Various elements of the CRC and its optional protocols are incorporated in national legislation. A study was conducted jointly by UNICEF and Ministry of Social Development (MoSD) in 2005 on the harmonization of Laws in Oman to the CRC. UNICEF and MoSD are currently collaborating to conduct a similar study for the harmonization of national laws with CEDAW.
- A national Child Law has been drafted in Oman, but it is yet to be revised prior to submission to the cabinet for approval. There is a concern that the draft of the Child Law has some elements that do not uphold the best interest of the Child. Earlier drafts of the proposed Child Law maintained the provisions of the Juvenile Law issued in 2008, which established minimum age of criminal responsibility at nine years of age. Furthermore, it is recommended that the Child Law clearly define mechanisms to ensure establishment of a protective environment for children,

particularly children who are victims of violence, inclusive outlining mechanisms for receiving complaints.

### **B. Institutional and human rights structure**

- The past few years have seen a number of important developments related to the rights of women and children in Oman. A number of laws were passed which contributed to promotion of the welfare of children and women. After Oman signed the International Convention on the Rights of persons with disability in March 2008 (ratified in January 2009), the Welfare and Care of Persons with Disability Law was issued in April 2008. The law is an important step towards enshrining human rights in Oman. In November 2008, a Royal decree was issued establishing a Human Rights Commission in Oman. At the same period the Anti-Human Trafficking Law was passed, also in 2008.
- In addition to legislation and royal decrees noted above, the Ministry of Social Development (MoSD) issued a decree establishing “decentralized” task forces at the regional level to evaluate and monitor the cases of abused children in June 2008. The GoO is commended for taking this important step toward addressing operationally what had been considered – and remains – a sensitive issue in Oman. Nevertheless, the task forces need much capacity building in order to become effective and viable mechanisms to monitor cases of abuse. In cooperation with UNICEF, a comprehensive needs assessment of these multi-sectoral teams will be started in August 2010;
- The Ministry of Health has in place the Mother and Child Health Committee which addresses a number of important issues – inclusive of child abuse. The Ministry of Health is addressing and examining cases of abuse of children (including sexual abuse) referred to the health centers and/or hospitals.
- The Crime Investigation Unit at the Royal Oman Police plays an important role in enforcement of the Penal code with regard to exploitation of children, particularly the development, sale and distribution of pornographic material. Similarly, internet sites are closely monitored and sites deemed unsuitable are that promote sexual exploitation of children are blocked.
- The State Council has established in early 2010 a committee on “women and children affairs”. The GoO is commended on the establishment of this committee that will contribute toward an assessment of impact on women and children of the various legislation and policies that goes through the State Council. The GoO is urged to further support this committee, and ensure that membership of the committee is named as soon as possible.
- Oman was a participant in the Abu Dhabi ministerial consultation on overseas employment and contractual labour for countries of origin and destination in Asia. The Abu Dhabi ministerial consultation brought together countries of origin and countries of destination (including Oman) for the first time in January 2008. The Abu Dhabi Dialogue was a forum to discuss and agree on a proposed plan of action to ensure proper management of the contractual labour mobility, and to improve the well-being of temporary contractual workers. The meeting recommended the

following key partnerships between countries of origin and countries of destination: information sharing; capacity building; technical cooperation; and interstate cooperation. The Abu Dhabi Declaration and process will have an impact on the addressing the exploitation of women and children in the countries of destination and of origin.

### **C. Policy measures**

- There is no integrated system for data collection on child protection and children at risk in Oman. Records exist in various ministries, or governmental authorities that record different aspects of protection, however, data on protection is often either lacking or is underreported. The Ministry of national economy (MoNE) in collaboration with UNICEF is working on a comprehensive DevInfo database on children in Oman (Omanis and non-Omanis), inclusive of developing a comprehensive system of child protection indicators, which is a positive step towards availing the data needed to monitor the situation of children, particularly those at risk. Nevertheless, it is crucial to ensure capacity building for data collection, as well as identification and data recording.
- The national committee for monitoring the implementation of the CRC is chaired by the undersecretary for Social Development. The committee is part of the organigram of the MOSD. Membership of the committee is multi-sectoral, and includes few representatives from civil society. The committee has been engaged in some degree of awareness raising on the CRC, and its two optional protocols, to children, as well as to a diversity of officials from different sectors. Similarly, the committee contributes to the drafting of the national reports submitted to the international committee on the rights of the child. It is to be noted, however, that a number of challenges limit the effectiveness and impact of the committee. The committee does not have no secretariat, no allocated budget, nor does it have rules of procedure. The committee does not play a role in monitoring the situation of children in the country.
- Despite some progress in the past two years towards developing a National Child Strategy in Oman, to date the strategy has not been passed. In order to address this policy gap, UNICEF is working with national counterparts in developing a plan of action for children.

## **II. Promotion and protection of human rights on the ground**

### **A. Implementation of international human rights obligations**

#### **1. Equality and non discrimination**

- Women in the Sultanate of Oman have achieved significant progress over the years. Some of the indicators reveal a substantial leap forward in the areas of health, education, employment, and a number of civil and political rights. In 2003 the percentage of women (15 years +) who were economically active was about 18.2%, compared to 6.3% a decade earlier (census, 1993 and 2003). The public sector remains the largest employer of both women and men (particularly in civil service).
- In terms of legislative rights, 2008 has seen two important developments for Omani women. A modification of the land regulation passed by Royal Decree in Oman promoted gender equality, by giving Omani women the right to own land given by

the government. Another gain was an increase in the appointment of women to the State Council. Nevertheless a number of challenges remain. In terms of civil rights, Omani women do not yet have equal rights with Omani men in terms of transferring Omani nationality to children born to a non-Omani father. A considerable gap between the rank of Oman as a high human development country compared to Oman's rank in the Gender Development Index points to a need to further escalate national efforts to promote increased women's participation in economic and political life. The GoO is to be commended for the convening of the Forum on Omani Women, held in October 2009. The Forum was a significant event, promoting the agenda for empowerment of women in Oman. The forum took stock of the achievements and challenges in four areas: social and volunteer sector, economic and business sector, women's participation in the Shura council, and women's rights in Omani laws. The forum addressed human development indicators in Oman, with a focus on gender empowerment measures, women's participation in politics including in parliamentary elections, and the need to enhance opportunities for full and active participation of women at all levels. The symposium received the highest level of support, whereby recommendations have been endorsed by H.M. The Sultan. The recommendations open the path for major reforms in the situation of women in Oman, including legislative reforms, review of personal status laws, state support to divorced and widowed women, counseling and advisory services to women, and allocation of State budgets for women's empowerment, among others.

- It is recommended that the GoO revisit the draft of the National Strategy for Advancement of women. A draft of the strategy was prepared, but it has not yet been approved.

## **2. Right to survival, growth, and development**

- Oman is to be commended for its continued commitment over the years to promote interventions to improve survival, growth and development of children. Nevertheless, there is recognition that further efforts, particularly initiatives to promote behaviour change, are needed to ensure that some of the "unfinished" business related to under-nutrition and micro-nutrient deficiencies, and some of the "emerging" issues such as obesity be addressed. Emerging data<sup>1</sup> seems to indicate a drop in PEM rates. Nevertheless, given Oman's GDP/capita and classification as a high human development country, more resources should be mobilized to address the above issues, particularly from the private and corporate sector. In collaboration between MoH and UNICEF, a national PEM awareness raising/social mobilization campaign is set to be launched in Quarter 4 of 2010.
- The issue of road traffic accidents as the major cause for juvenile mortality remains a major concern in the country. There is very high level political support to address RTAs as a national priority. H.M. Sultan Qaboos has issued a statement in 2009 on RTAs, defining it as a national concern. A national symposium was held in May 2010 identifying major elements of a plan of action to address RTAs.
- The GoO is commended on its efforts to identify reasons behind school drop-outs, particularly in the post-basic education years (grades 11 and 12). This links with

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<sup>1</sup> Data from Ministry of health (2010), yet to be published.

issues of youth self-esteem, and prospects for employability in an increasingly competitive labour market in Oman. UNICEF is currently working with the Ministry of Education (MoE) to examine approaches to enhance school retention. Nevertheless, basic education in Oman is not compulsory by law. While the approach by the GoO is that provision of free, quality education will ensure high enrollment rates in schools, making education compulsory will contribute to a reduction in drop-out rates.

- While the MoE has taken measures to raise awareness on the need to increase the number of pre-schools in Oman, and to further encourage private sector investment in pre-schools, as the number of pre-schools in Oman remains below the international standards. Furthermore, there is a need to establish standards for pre-school education. The regulatory role is to be enforced by the MoE.

### **3. Administration of justice and the rule of law**

- Under the provisions of the penal law issued by the Royal Decree No. 71/74, children in conflict with the law receive a treatment appropriate for their age oriented towards rehabilitation. The juvenile justice system has been reformed by the Royal Decree No. 30/2008 which entered into effect on 15<sup>th</sup> of September 2008 aiming at creating a more child friendly juvenile justice system. The law warrants the rights of the child in conflict with the law upon arrested and at the time of inquiry preceding the trial. Juvenile offenders are dealt with by juvenile unit of Oman Royal Police and appear in front of juvenile court. Juveniles are placed in the newly established “Home for observation of juveniles” while awaiting trial.
- The age of criminal responsibility remained 9 years yet sentence of imprisonment is not imposed before the age of 13. Provisions for correction include placement in juvenile correction institute, placement under probation, and enrollment in vocational training or community services. For crimes punishable by death or life sentence if committed by adults, juveniles between 13 to 16 years receive 3 to 5 years sentence while those between 16 and 18 years receive 5 to 10 years sentence. For less serious offences, the maximum sentence is 3 years for those below the age of 16 years and 7 years for those between 16 and 18 years. For minor misdemeanors, the maximum sentence is 6 months for those between the age of 13 and 16 years and 12 months for those between the age of 16 and 18 years. For the child best interest, crime committed doesn't appear in their criminal record. There is a concern, however, that not emphasis is placed on rehabilitation of both victim and the young offenders.
- While Omani authorities take seriously complaints of exploitation or abuse, nevertheless prosecution of offenders engaged in any form of exploitation of children needs to be further strengthened.

### **4. Right to protection**

- Increasingly, there is recognition by the government of the incidence of violence against women and children. In an effort to address this concern, the Ministry of Social Development is now operating a hotline, known as a “family counseling hotline”. The hotline operates for the duration of four hours a day. Calls made after

that period are recoded. The MoSD has also established inter-sectoral teams in the regions to evaluate and monitor the cases of children who are victims of abuse. This is an important step toward addressing operationally what had been considered – and remains – a sensitive issue in Oman.

- It is recognized that while there is political will to address child protection in Oman, there is limited data on child protection. In collaboration with UNICEF, a child protection mapping and assessment was conducted in 2009. The assessment built on a national consultation bringing together stakeholders, and it has recognized some of the positive measures undertaken to address child protection, and similarly has identified the gaps in the system, particularly the referral system, in terms of follow up and monitoring of suspected cases of abuse. The lack of a structured multidisciplinary referral system hampers appropriate investigation and service delivery to cases of children subjected to abuse. The government has taken measures to ensure that incidents of abuse reaching the law enforcement agencies become subjected to detailed forensic investigation in Royal Oman Police Hospital. Initiatives taken at the local and central levels pave the way for the successful establishment of reporting and referral system. There is, however, a need for legislation in that respect.
- The government of Oman has taken a number of steps to provide alternate care arrangements for children without parental care: orphans and abandoned infants and children. The government provides support grants, health care, and education to children without parental care. In the case of abandoned infants and children, they are given the Omani nationality and a name without a reference to any tribe. Abandoned infants and children are placed in “Children Home Care” established in Muscat in 1995. Over the years, the system of care changed to provide the child with a family like environment. Currently, children are cared for directly by “surrogate mother” and an “aunt” who assumes the responsibility of her children while on leave.
- The system of “alternative or foster family” is in place before 1995. Potential foster families are subjected to initial evaluation by the MoSD as well as periodic and annual supervision to monitor the situation of the child in the family. There is a need to strengthen the monitoring of the children placed with foster families, to ensure that adequate support and rehabilitation is provided to both the family and the child, particularly in cases where there is rejection of children by their foster families.
- There is evidence of Female genital mutilation in Oman. Oman addressed the issue for the first time in 2001 in a survey of secondary school students. The majority of enrolled boys (80.3%) and girls (79.5%) described the practice as “important” and “necessary”. Recent research confirms that the practice does exist in Oman. There is a need to raise awareness of both of the community, and of the service providers that FGM is a violation of rights of the girl child.
- The GoO has issued national legislation on the rights of persons with disabilities in 2008. Royal Decree No. 63/2008 determines the rights of persons with disabilities to preventive and rehabilitation health services (article 5 and 6), education (article 7), vocational rehabilitation (article 8), rights to work with full rights of full able persons (article 9) and the participation in the social, cultural and sports activities (article 11). Oman also established a National Committee for the Care of Persons with Disabilities

headed by the Minister of Social Development and membership of representative of persons with disabilities to identify and meet the needs of disabled and raise awareness in that respect. In order to strengthen the effectiveness of the National Committee, there is a need for a secretariat, a budget for the committee, and rules of procedure. In collaboration with a number of national counterparts a comprehensive sector review on disability in Oman has been conducted, and the report is due for finalization by Quarter 3 of 2010. The report highlighted a number of gaps in data, classification of disabilities in Oman, and need to strengthen service provision in a number of key areas. Furthermore, there is a pressing need to develop a national plan of action on disability in Oman,.

- The Government of Oman took steps in the past years to issue legislation banning commercial exploitation of children as camel jockeys. Decree 3092/2005 put in place regulation of the involvement of and participation of children in camel races, including ensuring that only Omani nationals are recruited as camel jockeys, and increasing the age for camel jockeys to 18 years stipulating that starting with the 2005/2006 camel racing season, there would be an increase in the age of children as camel jockeys over a four year period. Mechanisms to monitor enforcement of the legislation need to be strengthened.