

## COMMITTEE ON THE RIGHTS OF THE CHILD

Meeting of the 43<sup>rd</sup> Session (Geneva, 11 September – 29 September 2006)

### **Oman (second periodic report)**

#### **Information Submitted to the Committee**

The Sultanate of Oman (Oman) submitted its second periodic report on the *Convention on the Rights of the Child* (the Convention), due in 2004 as well as written replies<sup>1</sup> to the Committee on the Rights of the Child's (the Committee) list of issues.<sup>2</sup>

Child Helpline International and the Global Initiative to End All Corporal Punishment of Children submitted parallel reports to the Committee.<sup>3</sup> The reports focused on the need for three digit child phone helplines in Syria and the legal status of corporal punishment in Oman. Information from NGOs was examined during the 43<sup>rd</sup> pre-sessional working group.

The Committee regretted that since its initial periodic report, Oman has not made any progress in removing its reservations to Articles 7, 9 (paragraph 4), 14, 21, and 30 of the Convention.

The Committee welcomed Oman's accession to the *Optional Protocol on the involvement of children in armed conflict* (OPAC) and the *Optional Protocol on the sale of children, child prostitution and child pornography* (OPSC) on 17 September 2004.

#### **Themes and Issues<sup>4</sup>**

##### **General Implementation of the Convention**

The Committee noted with appreciation the creation of a National Follow-up Committee on the Implementation of the Convention.<sup>5</sup> This Committee has studied many areas of implementation, including media awareness, child abuse, and adolescent health issues. In 2005, it conducted a five day seminar in conjunction with the United Nations Children's Fund (UNICEF) on children's participation, where children were allowed to set the agenda. The Committee commended Oman for its progress through legislative measures and policies, but expressed continuing concern over the issues of non-discrimination, nationality, violence against children and child abuse, children with disabilities and the administration of juvenile justice. The Committee on the Rights of the Child noted that the National Committee lacked a mandate to coordinate all aspects of the implementation process. They also reiterated their previous recommendation that the State Party create an independent National Human Rights Institution in accordance with the Paris Principles. The State party concurred that the National Committee was composed of bureaucrats reassigned from positions in various ministries, and that it lacked an independent authority. It stated that they would seek to create a national institution, although the subsequent political process would be

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<sup>1</sup> Available only in Arabic.

<sup>2</sup> The state report (CRC/C/OMN/2), list of issues, answers to the list of issues, General Comments, and the concluding observations of the Committee as well as the reservations, declarations and understanding of the State party are available at <http://www.ohchr.org/english/bodies/crc/crcs43.htm>

<sup>3</sup> NGO reports are available on the Child Rights Information Network at:

<http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp>

<sup>4</sup> For a press release of the proceedings, please see

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/BA4CC047B647A41EC12571E80033895F?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/BA4CC047B647A41EC12571E80033895F?OpenDocument)

<sup>5</sup> Paragraph 88 of the State report.

very long. The delegation assured the Committee that religious and cultural elements in society did not pose obstacles to the implementation of the Convention.

### ***Definition of the Child***

The delegation confirmed that the minimum age of marriage for girls remained 15. The Committee encouraged Oman to take legislative measures to change the age to 18 in order to fully comply with the Convention's definition of the child.

### ***Child Trafficking and Commercial Exploitation***

Despite repeated inquiries, the State party denied that Oman was a centre for the trafficking of children. They also have had no reports of children being the victims of sexual exploitation, although they conceded that it was a possible concern.

The Committee expressed appreciation that Oman had raised the minimum age of employment as a camel jockey to 18 years of age. Nonetheless, they inquired into what pragmatic measures Oman was taking to ensure the implementation of this law.

The Committee requested information about children employed in dangerous occupations, such as fishing. The delegation replied that Oman would monitor these cases through school absences. It also announced that the minimum working age had been raised to 15.

In its concluding observations, the Committee urged Oman to effectively implement the prohibition of the use of child camel jockeys, and carry out regular random inspections of camel races. It also suggested that Oman strengthen the labour inspectorate to reduce child labour practices, especially in the informal sector. Finally, it recommended that Oman conduct an in-depth study on sexual exploitation of children, including data on trafficking, and develop an early-identification system of victims.

### ***Rights of Migrant Workers and Rural Dwellers***

The Committee expressed concern that the children of migrant workers and rural dwellers were subject to discrimination, particularly with respect to wage rates as well as access to health and education. The State party responded that there were no migrant workers in Oman, but rather "incoming workers,"<sup>6</sup> and they enjoyed the same protection of their rights as Omani citizens. The delegation also cited Oman's recent efforts to extend access to education to the most remote areas of the country, even to nomadic peoples. However, the Committee again pointed to a lack of statistical data on the children of migrant workers.

### ***Disabilities***

The issue of rights of disabled children occupied a considerable slot on the agenda. The Committee noted that Oman had no national strategy devoted to the disabled, and did not recognise the disabled as a category in their Basic Law. The State party responded that Oman is making much progress in this arena; in recent years, disability has lost much of the stigma that once surrounded it. It referred to the current proliferation of institutions for the disabled, many with the assistance of civil society. In the past, Oman was largely incapable of absorbing its disabled, and thus often sent them abroad. However, now there are special schools for the deaf,

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<sup>6</sup> The difference being the shorter length of their stay in the country.

blind, and mentally handicapped. Recently, this country has also attempted to re-integrate disabled children into regular schools. However, the Committee pointed out that all of these special institutions were located in the capital of Muscat.

In its concluding observations, the Committee recommended that the State party expedite the Bill for the care and rehabilitation of persons with disabilities, develop a national policy on disabilities and provide children with disabilities with access to social and health services.

### ***Corporal Punishment and Child Abuse***

The Committee raised the issue of corporal punishment in schools, penal institutions, and the home. The State party was very adamant that corporal punishment was strictly forbidden in educational institutions and was very well monitored by staff as well as external institutions.

Corporal punishment is also forbidden in Omani penal institutions, but the State party acknowledged that certain excesses do occur, which are consistently and severely prosecuted. Minors are also held in separate detention centres from other prisoners. In its concluding observations, the Committee urged Oman to ban all forms of corporate punishment in the family and within all public and private institutions. It also called for awareness campaigns to educate parents on non-violent forms of discipline.

The Committee expressed concern over inadequate institutional measures for the reporting of domestic physical and mental child abuse. Specifically, they pointed to the lack of mandatory reporting laws, whereby citizens are required to report to the police any suspicion of possible abuse.<sup>7</sup> The Committee also criticised the State party for its lack of any statistical data on child abuse preventing it from assessing the prevalence of the problem. In its concluding observations, the Committee advised Oman to: review legislation and develop indicators to protect children for all forms of physical, sexual, and mental violence; introduce mandatory reporting requirements for professionals working with children; establish effective complaint monitoring mechanisms; ensure that child abuse victims are provided with adequate care and counselling; conduct awareness-raising campaigns; and establish a toll-free, three-digit helpline.

### ***Juvenile Justice***

The Committee expressed concern that the age of criminal responsibility remained nine years of age, with children over 13 facing prison terms when convicted. Oman responded that there is currently a *Juvenile Law Bill* on the verge of being promulgated that will address these issues, including creating special courts for children. In his concluding remarks, the Country Rapporteur urged the State party to hasten the creation of the law.

The Committee recommended in its concluding observations that Oman raise the age of criminal responsibility, expedite the *Juvenile Law Bill* and develop alternative measures to deprivation of liberty for children.

### ***Identity and Nationality***

The Committee questioned the State party about steps taken to provide an identity to children of unknown parentage. It expressed concern that the child's status could be identified by the form of the arbitrarily given name. The Omani delegation responded that orphaned children were given a

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<sup>7</sup> Paragraph 216 of the State report.

full traditional four-part name, and only the State registry would show that they were of unknown parentage. When asked if the child was ensured the right to information on his or her parentage, the delegation responded that the State takes all possible measures to track the parents of the child.

The Committee criticised the State party for laws preventing a mother from passing on her nationality to her child. The delegation responded that there are no immediate plans to alter this law. It also made it clear that when the father of a child was unknown, it would be given Omani nationality, regardless of the nationality of the mother.

### ***Adoption and Alternative Care***

The Committee expressed regrets that the State party still had reservations concerning Article 21 of the Convention, which stipulates conditions for the adoption of children. Oman has stated that it would not take any action in this respect that was contrary to principles of Islamic law.<sup>8</sup> The Committee criticised the State party for not utilising enough “family based” alternative care, but rather committing most abandoned children to the care of State foster care institutions.

The Committee also expressed alarm that giving birth out of wedlock was a statutory crime. This means that mothers of unwanted children often do not contact the appropriate authorities for fear of legal sanction. The delegation commented that there was nothing to be done to address this issue, since it was due to societal discrimination against women.

In its concluding observations, the Committee recommended that Oman: take measures to abolish punishments which separate parents from children on account of immoral behaviour; establish an effective evaluation mechanism for alternative care; standardise and control the quality of alternative care; and ensure that children in alternative care institutions have access to a proper complaint and consultation mechanism.

### ***Education***

The Committee inquired whether Oman intended to adopt a system of compulsory education. The delegation responded that it did not view this as a necessary step, but was open to discussing it in the Ministry of Education. The Committee also asked for information about measures to increase access to education for marginalised children, such as migrants, girls, disabled, rural, and poor children. Oman affirmed that it was committed to addressing the dropout situation, and gave details of measures to increase educational access in remote areas of the country.

The Committee also expressed concern over the relatively low rate of enrolment in pre-primary education. The delegation responded that this was due to the fact that only private pre-primary institutions exist in Oman. In its concluding observations, the Committee recommended that Oman provide access to early childhood education to all children, including low-income and rural families, and set universal quality standards and monitoring for private pre-primary institutions. It also urged the State party to make education compulsory by law.

### ***Health***

The Committee asked for information regarding the number of children affected by HIV/AIDS, and whether Oman had any national strategy to address this issue. The delegation provided the

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<sup>8</sup> Sharia law does not provide for adoption, but only for guardianship.

Committee with detailed statistics about HIV/AIDS prevalence. It reported that information about this problem was disseminated in schools, and that a 24-hour hotline service had been provided in conjunction with UNICEF.

The Committee also inquired about the high juvenile mortality rate, including the extremely high rate of car accidents among unlicensed children. In addition, it asked about the unusually high rates of iron deficiency, anorexia, and malnutrition in a country with such a high Gross Domestic Product (GDP). The delegation remarked that Oman had achieved a drop in the juvenile mortality rate during the last decade. It also announced a 5-year plan to address the issue of nutritional deficiencies in children.

The Committee also noted with concern that the length of maternity leave had recently been significantly shortened. Oman was unable to provide any justification for this change.

The Committee also asked what measures were being taken to combat Female Genital Mutilation (FGM). The delegation commented that it had only recently become aware of the prevalence of FGM, with a recent survey demonstrating that 85% of respondents were in favour of the practice. While Oman currently has no intention to expressly ban this practice, they plan to conduct an awareness campaign pursuant to the results of an ongoing study.

In its concluding observations, the Committee urged Oman to explicitly prohibit FGM by law, establish a national program on adolescent health, strengthen reproductive health education, provide adolescents with private health-care and counselling services, and introduce a school nutrition program.

### ***Children's Participation***

The Committee expressed concern that Oman did not take seriously their obligations to respect the views of the child and to seek children's participation, which was arguably one of the core principles of the Convention. The delegation referred to a five-day UNICEF-sponsored conference held for children aged 12-16. Although the Committee welcomed this measure, it asked how the output of this conference would be implemented and suggested that younger age groups be included in the future.

### **Conclusions and Next Steps**

In his concluding remarks, Mr Hatem Kotrane, the Country Rapporteur, gave a favourable overall impression of the Oman, commenting that it was a very progressive State. He suggested that further resources should be provided to health and education. He also drew attention to the need to address the salient issues of malnutrition, maternity leave, pre-primary education, and the dissemination of the Convention in education programs. He also encouraged the State party to expedite the promulgation of the *Juvenile Law Bill*.

The delegation remarked that it was concerned about the same issues as the Committee, and planned to take its responsibilities seriously and draw up a plan of action incorporating the Committee's recommendations.

In its concluding observations, the Committee recommended that Oman establish a central database on children and develop indicators consistent with the Convention. It urged that the State party take all appropriate measures to ensure implementation of its recommendations,

including transmitting them to the members of the Cabinet and both Majlis chambers, as well as to governorates.