

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 12(1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD
PROSTITUTION AND CHILD PORNOGRAPHY**

Concluding observations: Oman

1. The Committee considered the initial report of Oman (CRC/C/OPSC/OMN/1) at its 1420th meeting (see CRC/C/SR.1420), held on 9 June 2009, and adopted at its 1425th meeting, held on 12 June 2009, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report. The Committee further welcomes its written replies (CRC/C/OPSC/OMN/Q/1/Add.1) to the list of issues and appreciates the dialogue with a high-level and multi-sectoral delegation.

3. The Committee notes that the report does not fully comply with the reporting guidelines. The report provides general information on the laws and regulations, however only limited information was provided on the practical implementation of the Protocol.

4. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 29 September 2006 (CRC/C/OMN/CO/2) and with the concluding observation adopted on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/OMN/CO/1) on 12 June 2009.

I. General Observations

Positive aspects

5. The Committee notes with appreciation:

a.) the Human Trafficking Act issued by Royal Decree No. 126/ 2008;

b.) the ratification of the Convention on the Rights of Persons with Disabilities on 6 January 2009.

II. Data

6. The Committee regrets the lack of data related to the Protocol disaggregated by, inter alia, age, sex, origin, urban/rural areas, and the most vulnerable groups. The Committee regrets the position of the State party that there are no cases and notes the large numbers of foreign migrant children who are particularly vulnerable to violations of their rights.

7. The Committee recommends that the State party develop and implement a comprehensive and systematic mechanism of data collection, analysis, monitoring and impact assessment of all the areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by nature of the offence and by sex, age, national and ethnic origin, urban/rural areas, socio-economic status, with particular attention to the most vulnerable groups of children. The Committee recommends the State party to seek technical support from inter alia UNICEF in relation to the recommendation above.

III. General measures of implementation

Reservations

8. The Committee regrets the broad nature of the State party's reservation and that no progress has been made in withdrawing, or limiting, its extent since the consideration of the State party's second periodic report in 2006 (CRC/C/OMN/CO/2, para. 7).

9. The Committee reiterates its previous recommendation that the State party review its reservations with a view to withdrawing them, or limiting their extent, in accordance with the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/23). The Committee further recommends that the State party seek inspiration from other countries which have either withdrawn similar reservations or not entered any reservations to the Convention.

Coordination and evaluation of the implementation of the Optional Protocol.

10. The Committee notes that the inter-sectorial Follow-up Committee on the Implementation of the Convention on the Rights of the Child is responsible for coordinating implementation of the Protocol, however is concerned that the Committee does not sufficiently take the Protocol into consideration.

11. The Committee recommends that the State party strengthen the Follow-up Committee on the Implementation of the Convention on the Rights of the Child and ensure that coordination of the Protocol is incorporated into its operation and that it has adequate human and financial resources in order to effectively carry out its mandate at all levels, including regional and local level .

National Plan of Action

12. The Committee, while noting information in the State party reply to the list of issues that a draft national strategy on child welfare is being prepared, regrets that there is no National Plan of Action or strategy in place to combat the crimes under the Protocol.

13. The Committee recommends that the State party to adopt a National Plan of Action to combat violations of the Convention and provisions of the Protocol, implement it in consultation with relevant actors, including children and civil society, and that the Plan include a follow-up mechanism.

Dissemination and training

14. The Committee, while noting as positive the awareness-raising and training activities carried out in the State party, is concerned that these primarily focus on the Convention and not sufficiently take into account the provisions of the Protocol. The Committee is concerned that children, in particular non-Omani children, and relevant professionals in contact with them, are not sufficiently aware of the provisions of the Protocol.

15. The Committee recommends that the State party:

(a) In line with article 9(2) of the Protocol, make the provisions of the Protocol widely known in the public at large, including to non-Omani children, their families and communities, through, in particular the school curricula and long-term awareness-raising measures, including in a child-friendly manner;

(b) Develop cooperation with civil society organisations and the media in order to support awareness-raising and training activities on the provisions of the Protocol;

(c) Continue and strengthen systematic gender-sensitive education and training on the provisions of the Protocol for all professional groups working with child victims of such crimes covered, *inter alia* the police, lawyers, prosecutors, judges, social workers and immigration officials,

(d) Seek technical support from UNICEF and the ILO in relation to the recommendations above.

Allocation of resources

16. The Committee notes that the State party has allocated some resources, however is concerned that these remain insufficient in order to implement the provisions of the Protocol and in particular notes the lack of targeted resources for criminal investigations, legal assistance and physical and psychological recovery measures for victims.

17. The Committee encourages the State party to increase budget allocations for coordination, prevention, promotion, protection, care, investigation and prosecution of acts covered by the Protocol, including by earmarking adequate human and financial resources for the implementation of programmes relating to its provisions, and in particular for criminal investigations, legal assistance and physical and psychological recovery of victims to relevant authorities and civil society organisations.

Independent monitoring

18. The Committee notes the establishment of the National Human Rights Committee by Royal Decree No. 124/2008, however notes that it has yet to become operational.

19. The Committee recommends that the State party ensure that the National Human Rights Committee is independent and complies with the Paris Principles and that it have

a designated children's unit with adequate human and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights as well as recommend remedies. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

IV. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

Measures adopted to prevent offences referred to in the Optional Protocol

20. The Committee notes as positive certain preventive initiatives, such as State oversight of the tourism industry. The Committee however notes that preventive measures are inadequate, in particular given the large migrant population in Oman, and that documentation and research are insufficient on the root causes, nature and extent of the sale of children, child prostitution and child pornography.

21. The Committee encourages the State party to carry out further documentation and gender-sensitive research on the nature and extent of the sale of children, child prostitution and child pornography, in order to identify the root causes, the extent of the problems and prevention measures.

V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)

Existing criminal or penal laws and regulations

22. The Committee while noting the adoption of the Human Trafficking Act issued by Royal Decree No. 126/ 2008, and that it covers legal persons, the Committee is however concerned that not all the offenses covered by provisions of the Protocol have been fully incorporated into the Penal Code, and regrets the lack of information on penal provisions relating to the sale of children and child pornography. Furthermore, the Committee notes the lack of information on whether the legislation has been enforced in practice.

23. The Committee recommends that the State Party revise and bring its Penal Code in full compliance with articles 2 and 3 of the Protocol and ensure that the law is enforced in practice.

24. The Committee notes that the adoption of a Children's Bill remains pending.

25. The Committee recommends the State Party to promptly adopt the Children's Act and ensure that it is in conformity with the Convention and its Protocols, in order further strengthen the protection of children's rights.

Jurisdiction

26. The Committee notes that the State party may establish jurisdiction over offenses irrespective of the nationality of the victim.

27. **The Committee recommends that the State party ensure that all legal and practical measures necessary be undertaken in order to be able to effectively establish jurisdiction over offences in accordance with article 4 of the Protocol.**

Extradition

28. The Committee takes notes of bilateral agreements for the extradition of perpetrators of crimes covered by the Protocol, however is concerned that the State party does not rely upon the Protocol as a legal basis for extradition.

29. **The Committee recommends that the State party use the Protocol as a legal basis for extradition in conformity with article 5 of the Protocol.**

VI. Protection of the rights of child victims (arts. 8 and 9, paras.3 and 4)

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

30. The Committee reiterates its concern from 2006 (CRC/C/OMN/CO/2, para. 65) that insufficient measures are undertaken to identify children who have been victims of offences under the Protocol and in this regard draws attention to concerns raised by the UN Special Rapporteur on trafficking over the prevalence of trafficked children, including as domestic workers, following her mission to Oman in 2006 (A/HRC/4/23/Add.2, para. 80).

31. The Committee furthermore notes that child victims may be re-victimised by being treated as offenders and that girls, who have been victims of child prostitution, may be criminalised, inter alia on charges of *zina* and honour crimes.

32. **The Committee recommends that the State party:**

(a) Develop comprehensive procedures for the early identification of child victims of offenses under the Protocol;

(b) Take all necessary measures, including legislative, to ensure that child victims of any of the crimes under the Optional Protocol are not criminalised. Child victims should be protected at all stages of the criminal justice process in accordance with article 8 of the Optional Protocol;

(c) Allocate adequate financial and human resources to the competent authorities in order to ensure access to the legal representation for all child victims;

(d) Presume, if in doubt, that young victims of sexual exploitation are children, and not adults.

(e) Ensure that judges and prosecutors are adequately trained on the provisions of the protocol.

33. **Furthermore, the Committee encourages the State party to be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20) and should in particular:**

(a) Allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected;

(b) Use child-sensitive procedures to protect children from hardship during the justice process, including by the use of special interview rooms designed for children, child-sensitive methods of questioning; and by reducing the number of interviews, statements and hearings.

Recovery and reintegration

34. The Committee notes that social reintegration and physical and psychosocial recovery measures for child victims are inadequate and that victims face difficulties in accessing compensation.

35. **The Committee recommends that the State party;**

(a) Ensure that resources be earmarked in order to strengthen social reintegration and physical and psychosocial recovery measures, in accordance with article 9, paragraph 3, of the Optional Protocol, in particular by providing interdisciplinary assistance for child victims;

(b) Guarantee that all child victims of the offences described in the Optional Protocol have access to adequate procedures and to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol.

Camel racing

36. The Committee notes that regulations have been issued in order to gradually raise the age of camel jockeys to 18 years by 2009, yet notes the lack of information on available monitoring mechanisms and the application of sanctions for violations of using children for this purpose. The Committee is concerned that children are still at risk of being used as camel jockeys and also of the potential links between such practices and trafficking of children.

37. **The Committee recommends that the State establish monitoring mechanisms to ensure effective enforcement of the regulation raising the age for camel jockey to 18 years, conduct regular inspections of relevant venues and apply sanctions for those responsible for the use of children as camel jockeys. Furthermore, the State party is urged to conduct awareness raising of the negative impacts camel racing has on the health of children.**

VII. International assistance and cooperation

International cooperation

38. **The Committee recommends that the State party continue and strengthen international cooperation, including through the Abu Dhabi dialogue, for relation to implementation of the provisions of the Optional Protocol, and conduct research to examine cross-border protection issues between Oman and neighboring countries. The State party is encouraged to seek technical support from inter alia UNICEF and the ILO for the above purpose.**

Law enforcement

39. The Committee notes that insufficient information is provided with respect to the assistance and cooperation provided by the State party at all steps of the penal or criminal procedure with regard to the offences as provided in article 3, paragraph 1, of the Optional Protocol, i.e. in the detection, investigation, prosecution, punishment and extradition proceedings.

40. **The Committee encourages the State party to provide more detailed information in this respect in its next report.**

VIII. Follow-up and dissemination

Follow-up

41. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to members of the cabinet and the bi-cameral Majlis (Majlis al-Dawla and Majlis al-Shura) and to the regions and governorates for appropriate consideration and further action.**

Dissemination

42. **The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, the media, youth groups, professional groups in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring. Furthermore, the Committee recommends that the State party make the Optional Protocol widely known to children and their parents through, inter alia, school curricula and human rights education.**

IX. Next report

43. **In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its consolidated third and fourth periodic report under the Convention on the Rights of the Child, due on 7 July 2012.**
