**Statement on the Questionnaire on the Sale and Sexual Exploitation of Children**

**Introduction:**

 The Omani legislation came in response to the aspects of child care, protection and development in accordance with the human rights approach. This is represented in the basic system of the state as well as in various legislations, most notably the Child Law issued by Royal Decree No. (22/2014), as well as the ratification of international agreements related to human rights in general and children’s rights in particular. In addition to many legislations and laws that provide protection for the child.

It is worth noting that the Sultanate has made distinguished efforts to protect children from abuse and exploitation. This is represented in establishing a number of mechanisms such as the Child Affairs Department, the Family Protection Department, the Department of Family Guidance and Consultation, A Wifaq Center, child protection committees, and the creation of a child protection phone line (1100). Training and reference manuals have also been issued to protect children exposed to violence and abuse. A national team of trainers has been prepared in the field of child protection, in addition to awareness programs in the field of protection. (All of these mechanisms are affiliated with the Ministry of Social Development, with the participation of a number of relevant authorities, including, for example, the Ministry of Health, the Ministry of Education, the Public Prosecution, and the Royal Oman Police)

The Committee to Follow-up on the Implementation of the Convention on the Rights of the Child in the Ministry is keen to prepare periodic reports on the Convention on the Rights of the Child and the two optional protocols attached to it. Through these reports, it provides data and statistics on violence against children and their exploitation.

The National Center for Information Safety, represented by the Information Technology Authority, is working hard to spread security awareness of the use of the Internet in society and educate young people and the environment around them, to apply the best international standards and practices in the field of information security in the Sultanate to ensure child protection.

It is to be noted that the phenomenon of selling children does not exist in the Sultanate. The prevailing societal culture in the Sultanate prohibits and criminalizes the sale and sexual exploitation of children, based on the Islamic dimension, and the Omani morals and traditions. Like any society in the world, there are some problems, especially with its demographic assimilation of a number of nationalities from different cultures, and accordingly, some abnormal individual behaviors appeared. There are some behaviors and practices that may constitute a conducive environment to the abuse of children, including: (natural disasters, armed conflicts, low standard of living in the family, unemployment). In terms of practical application, no crimes and practices related to the sale of children were monitored in the Sultanate. In general, the culture of Omani society prohibits and criminalizes the phenomenon of selling and sexually exploiting children.

**First: Legislation and laws**

**1- Child Law (22/2014)**

The Child Law was issued on May 19, 2014, according to Royal Decree No. (22/2014). The issuance of this law comes as a continuation of a series of measures taken by the Sultanate to advance the situation of children and to follow up the implementation of the International Convention on the Rights of the Child, to which the Sultanate of Oman acceded on December 9, 1996 under Royal Decree No. (54/96).

The law included (13) chapters, and (79) articles specifying a legal framework for the rights of the child and highlighting the need to provide appropriate conditions for the upbringing of children and to give them priority in all decisions and procedures, addressing all aspects related to the child.

One of the most prominent areas that the Child Law focused on, which took the largest share of legislation, is the tenth and eleventh chapter on protection measures and protection mechanisms, which guarantee the protection of the child, and give the responsibility to report cases of abuse to every member of society in general and to those responsible for children in government institutions in particular. It is important to refer to some of the articles included in the law, which are as follows:

**Chapter 10 Protection Measures:**

Article 56: It is prohibited for any person to commit any of the following acts:

(a) Kidnapping, selling a child, or transferring any parts of his body in any way, whether for a fee or free of charge.

b- Rape, defilement or sexual harassment of a child.

(c) Carrying or forcing a child to engage in any sexual activity or exploiting him in prostitution or other sexual practices or in pornographic displays and materials.

d- Encouraging a child to engage in real or simulated sex, or photographing him during that practice, or photographing his sexual organs - with the intent of achieving immoral purposes - by any means.

e- publishing, displaying, circulating, or possessing publications, or visual or audio works that address the lower instincts of the child, or adorn him with behaviors contrary to the values ​​of society, the law, public order, or public morals.

f- Using a child in the slave trade in all its forms, or enslaving him, or subjecting him to forced labor, or forcing him to perform forced labour.

g- Smuggling a child, or assisting him to escape across the border for the purpose of exploiting him, or practicing violence against him in any forms.

h- practicing any form of violence against the child.

The state guarantees the implementation of the prohibition stipulated in the previous clauses, and that all necessary measures and procedures are taken for this.

Article (59): The state shall work by all available means to rehabilitate a child who is a victim of any form of violence, exploitation or abuse, and reintegrate him socially.

**Chapter 11 Protection Mechanisms:**

Article (60): By a decision of the Minister, committees to protect the child from violence, exploitation and abuse called (Child Protection Committees) shall be formed. The decision defines the terms of reference and mechanism of work of these committees in a manner that does not conflict with the provisions of this law. The members of the Child Protection Committees shall have the capacity of judicial police in implementing the provisions of this law.

Article (61): Child Protection Committees are responsible for receiving complaints and reports of any violations of the rights of the child, and of cases of a child being subjected to violence, exploitation or abuse, all in the manner indicated by the regulations.

Article 62: Every person has the right to report any incident that constitutes violence against the child, its exploitation or abuse, or a violation of any of his rights stipulated in this law.

The Child Protection Committees shall take all necessary measures to protect the whistleblower, and not disclose his identity.

Article (63): Doctors, teachers, and other persons who come to their knowledge by virtue of their professions, jobs, or work information regarding the existence of violence, exploitation, or abuse of any child, or a violation of any of his rights stipulated in this law, shall notify Child Protection Committees.

Article (64): A child who has been subjected to violence, exploitation or abuse is placed in a temporary care home by a decision of the public prosecution based on the recommendation of the child protection representative.

Article 65: Without prejudice to the best interest of the child, the child placed in the temporary care home shall be returned to the guardian by a decision of the public prosecution based on the recommendation of the child protection representative after the reasons for the placement and its effects have ceased, and after the guardian undertakes in writing to take care of him in accordance with the provisions of this law.

The child protection representative shall follow up on the returned child in accordance with the conditions and procedures specified by the regulation.

**- Law on Combating Information Technology Crimes (12/2011)**

 The law stipulates the punishment of anyone who uses the information network or information technology means to produce, display, distribute, publish, buy, sell or import pornographic materials, unless it is for authorized scientific or technical purposes, and if the pornographic content is directed at a juvenile who has not completed eighteen years of age.

In Chapter 5, the law deals with offenses related to content, and in Article 14 it criminalizes acts related to the production, acquisition and distribution of pornographic materials through the network or by using any technical means. He shall be punished with imprisonment for a period no less than a month and not exceeding a year and a fine of no less than one hundred riyals and not more than one thousand riyals, or one of these two penalties. If the subject of the pornographic content is a juvenile under the age of eighteen, or the criminal act is directed against him, or the criminal act represents the possession of juvenile pornographic materials, the penalty shall be increased up to imprisonment for a period of no less than one year and no more than three years and a fine of no less than one thousand riyals and not more than five Thousands of riyals….

Article (15) criminalizes incitement to use the network or any information technology means to commit prostitution and debauchery and punishes temporary imprisonment for a period of no less than three years and not more than five years and a fine of no less than three thousand Omani riyals and not more than five thousand Omani riyals. For a juvenile who has not completed eighteen years of age, the penalty may reach temporary imprisonment for a period of no less than five years and not more than ten years, and a fine of no less than five thousand Omani riyals and not more than ten thousand Omani riyals.

Article (16) criminalized the assault on family principles or values ​​through the network or by using one of the information technology means such as mobile phones equipped with a camera, and others, and imposed a prison sentence of no less than one year and no more than three years and a fine of no less than one thousand Omani riyals and not more than five thousand Omani riyals or one of these two penalties.

**- Omani Penal Code** (7/2018)

It specifies texts for crimes of infringement on the guardianship of a minor, and stressed the punishment for anyone who exploited children in promoting issues of modesty and public morals. As for the protection of the child in the family environment, the law stipulates that the guardian is punished for neglecting family duties, and the Omani Penal Code also includes the protection of the child from any abuse, assault or neglect - that he may face from the foster family - by imposing penalties for indecent assault on the child and imposing a penalty on anyone who incites, practices, and manages immorality.

**Article 257**:

Whoever engages in sexual intercourse, without consent, with a male or female, shall be punished by imprisonment for a period no less than (10) ten years and not exceeding (15) fifteen years. If the victim is under (15) fifteen years of age, if the victim suffers from physical or mental disability that renders him unable to resist, if the act causes chronic venereal disease, if the act leads to his death, if the offender is responsible for his upbringing, supervision, caretaking, or is someone who has authority over him, if the victim is a paid employee of his or of any of those previously mentioned, or if the crime is committed by (2) two persons or more, the punishment shall be life imprisonment.

**Article 258:**

Whoever sexually assaults, without consent, a male or female shall be punished by imprisonment for a period no less than a year and not exceeding (3) three years. If the victim suffers from physical or mental disability that renders him unable to resist, if the offender is responsible for his upbringing, supervision, caretaking, or is someone who has authority over him, or if the victim is a paid employee of his or of any of those previously mentioned, the punishment shall be no less than (5) five years and not exceeding (7) seven years. If the offender is a Mahram of the victim, the punishment shall be no less than (7) seven years and not exceeding (10) ten years.

- Anti-Human Trafficking Law (126/2008)

Whoever commits a human trafficking crime shall be punished by imprisonment for not less than three years and not more than 7 years, and a fine of not less than five thousand Rials and not more than one hundred thousand Rials.

if the victim was a juvenile in the crimes stipulated in the law which include: the exploitation and illegal use of a person, including prostitution and any form of sexual exploitation.

**5- Juvenile Accountability Law (30/2008)**

This law is concerned with reform and rehabilitation. It also guarantees the establishment of special departments to care for and rehabilitate juvenile delinquents. Juvenile cases are decided exclusively by specialized juvenile courts, and the law takes into account that the sessions of these courts are secret in order to preserve the future of the juvenile.

**6- International agreements and cooperation:**

The most prominent of which are the following: -

The Convention on the Rights of the Child under Royal Decree No. (54/96) as amended by Royal Decree No. (99/96) and the two optional protocols attached to it by Royal Decree No. (41/2004).

- Convention on the Elimination of All Forms of Discrimination against Women under Royal Decree No. (42/2005)

- International Convention on the Rights of Persons with Disabilities pursuant to Royal Decree No. (121/2008)

- International Convention on the Elimination of All Forms of Racial Discrimination by Royal Decree No. (87/2002)

- The United Nations Convention against Transnational Organized Crime, to which the Sultanate is affiliated according to Royal Decree No. 37/2005.

The Arab Convention for Combating Information Technology Crimes, ratified by the Sultanate under Royal Decree No. (5/2015).

- The Arab Convention to Combat Transnational Organized Crime, ratified by the Sultanate under Royal Decree No. (6/2015).

**We refer here to the Convention on the Rights of the Child in some detail as the basic convention that deals directly with children:**

The Sultanate acceded to the Convention on the Rights of the Child on December 9, 1996 in accordance with the Royal Decree No. 54/96 amended by Royal Decree No. 99/96 and thus entered into force on January 8, 1997. The Sultanate also acceded to the two optional protocols attached to the Convention on September 17, 2004 by Royal Decree No. 41/2004 and the two protocols entered into force on October 17, 2004, and it submitted its initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on October 11, 2007, and continues to report in this regard in periodic reports on the rights of the child.

The main provisions of the Protocol on the sale of children, child prostitution and child pornography place special emphasis on the criminalization of serious violations of children's rights, the role of international cooperation in this regard in combating these transnational activities, and the value of public awareness and information and education campaigns to promote Protecting children from these serious violations of their rights. In addition to the need to establish rules to address violations under domestic law, including with regard to the perpetrators of violations, and the protection of those exposed to abuse.

The Sultanate submitted its comprehensive national report for the third and fourth reports of the Convention on the Rights of the Child during 2013, which highlights the most important developments and achievements in the field of child rights in the Sultanate. It was discussed at the 71st session of the International Committee on the Rights of the Child on January 11-12, 2016. UN acclaimed in the field of children's rights and classified as a friend of the Convention on the Rights of the Child.

**Second: Some mechanisms for activating the Child Law and implementing the Convention on the Rights of the Child in this field**

***1- Child Protection Committees:***

Formation of Child Protection Committees in accordance with Ministerial Resolution No. 168/2015, based on the Child Law issued by Royal Decree No. 22/2014. The committees are responsible for receiving complaints and reports of any violations of children’s rights, and cases of children being subjected to violence, exploitation, or abuse. It also develops plans for psychological and social treatment and rehabilitation for child victims and their families, and the competent authorities and institutions (public prosecution - police stations - schools - government and private health institutions ... etc.) can be consulted. The (11) Child Protection Committees are distributed over all the governorates of the Sultanate.

The committees, through their members, intervene urgently towards victims of sexual exploitation of children, where they are referred to the security and judicial authorities, in order to achieve the interests of the child and preserve evidence to prosecute the offender, as well as provide the necessary health and social care services for the victim child.

Social and psychological rehabilitation, which is carried out jointly by the professionals of the Child Protection Committee and the victim, with the involvement of the family. Attached is the statistics of children exposed to sexual abuse dealt with by the Child Protection Committees by year.

**2- Dar Al Wefaq:**

The regulation of Dar Al-Wefaq issued by Ministerial Resolution No. 228/2013 and amended by Ministerial Resolution No. 104/2014 AD regulates the mechanism of the house’s work, whereby children victims of sexual exploitation are deposited, received and rehabilitated - if necessary - in the temporary care home (Al-Wefaq) by submitting a recommendation to the Public Prosecution By the child protection representative, where the home provides the best protection and rehabilitation services for the child and his family.

3**- Child Protection Line (1100)**

Reports are received by the child or any member of the community about any abuse, mistreatment or any violations of the rights of the child through the Child Protection Line (1100), which is a free line that works around the clock. The line provides guidance and referral service to the concerned authorities when needed.

- In the event that a child has been subjected to sexual abuse or exploitation, the necessary measures are taken urgently, especially if it is reported immediately after the offense was committed against the child, where the report is classified as very dangerous and the child protection representative is contacted to communicate with the security and judicial authorities (the police – Public Prosecution) to preserve evidence and extract a warrant from the Public Prosecution for a forensic examination of the child victim. Attached is a statistic of the number of reports on the child protection line related to children being sexually abused.

**Third: Qualifying cadres in the field of child rights protection**

The Sultanate has paid great attention to training and qualifying cadres working in the field of child protection. These training courses varied between theory and practice, taking advantage of Arab and international experiences in this field to ensure effective handling of issues related to child protection, taking into account the involvement of all relevant authorities. Social development, in cooperation with the UNICEF regional office in the Sultanate, has prepared “trainers in the field of child protection” with a number of (21 trainers). The trainers are considered one of the effective mechanisms capable of preventing and responding to cases of violence, abuse and exploitation that children may face in the vicinity of their families or outside, through awareness-raising and educational interactions in the topics and areas of child protection in the various governorates of the Sultanate.

- Two reference/training guides have been prepared to protect children exposed to violence and abuse. The reference guide reviews the indicators and effects of violence and child abuse, the course of dealing with child victims of violence, the basic working rules of child protection committees, in addition to the rehabilitation of child victims and ways to prevent abuse, while the training guide explains the best methods for training and education awareness in the field of child protection.

- It should be noted that the training programs are continuing in this field and updated on an ongoing basis in light of the developments that occur in the various fields of work in this regard.