

# ACCESS TO JUSTICE FOR CHILDREN: OMAN

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## I. **What is the legal status of the Convention on the Rights of the Child (CRC)?**

### A. What is the status of the CRC and other relevant ratified international instruments in the national legal system?

The Sultanate of Oman acceded to the CRC on 9 December 1996;<sup>1</sup> ratifying the Convention by virtue of Royal Decree No. 54/96 (as amended by Royal Decree No. 99/96) with certain reservations.<sup>2</sup> Most of these reservations were subsequently withdrawn,<sup>3</sup> with the exception of the reservation concerning the right of the child to choose his or her own religion (Article 14 of the CRC).<sup>4</sup>

Royal Decree No. 101/96 establishing the Basic Law of Oman provides that a treaty shall not have force of law until it is ratified by Royal Decree.<sup>5</sup> As the CRC has been ratified in such a manner, it has acquired the force of law in Oman.

### B. Does the CRC take precedence over national law?

The Basic Law provides that the Islamic Shariah is the basis of legislation.<sup>6</sup> The application of the Basic Law is not to infringe upon the treaties and agreements concluded between the Sultanate of Oman and other States and international bodies and organisations;<sup>7</sup> which shall not have the force of law until they have been ratified.<sup>8</sup> The status of international treaties and conventions is consolidated by Article 80 of the Basic Law which affirms that:

*"No body in the State may issue rules, regulations, decisions or instructions which contravene the provisions of laws and decrees in force, or international treaties and agreements which constitute part of the law of the country".<sup>9</sup>*

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<sup>1</sup> United Nations Treaty Collection, Convention on the Rights of the Child, Signatories, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en).

<sup>2</sup> Committee on the Rights of the Child, State party's report - Oman, 18 July 2000, para. 2, available at: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=OMN&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=OMN&Lang=EN).

<sup>3</sup> Royal Decree No. 86/2011.

<sup>4</sup> Khaleej Times, 'Oman drops reservations on child rights convention', 23 November 2011, available at: [http://www.khaleejtimes.com/displayarticle.aspx?xfile=data/middleeast/2011/November/middleeast\\_November568.xml&section=middleeast&col=](http://www.khaleejtimes.com/displayarticle.aspx?xfile=data/middleeast/2011/November/middleeast_November568.xml&section=middleeast&col=).

<sup>5</sup> The Basic Law of Oman, Article 42, available at (Arabic): <https://www.gulfpolicies.com/attachments/category/60/Constitution%20of%20Sultanate%20of%20Oman.pdf>.

<sup>6</sup> Ibid, Article 2.

<sup>7</sup> Ibid, Article 72.

<sup>8</sup> Ibid, Article 76.

<sup>9</sup> Ibid, Article 80.

It is not clear from a basic reading of the above provisions whether the CRC, as an international treaty, could be said to take precedence over national law in Oman. It is, however, evident that such treaties constitute part of the law of the country and, as such, are to be given due consideration during judicial proceedings. The report submitted by Oman to the UN Committee on the Rights of the Child provides little clarification on this matter:

*"The Basic Law of the State supersedes all other laws, legislative enactments and measures. In articles 72, 76 and 80 of the Basic Law, it is stated that application of the Basic Law shall not prejudice the implementation of treaties or agreements concluded between the Sultanate of Oman and States or international bodies or organizations and that international treaties and agreements shall supersede domestic law and become part of Omani legislation upon their ratification".<sup>10</sup>*

In light of the above, there appears to be some doubt as to whether or not an Omani court would consider that an international convention would take precedence over Omani law, including the Basic Law, in such instances where a conflict existed between divergent provisions.

### C. Has the CRC been incorporated into national law?

As stated in part I.A above, the CRC has force of law in Oman by virtue of its ratification by Royal Decree in accordance with the Basic Law.<sup>11</sup> The precise legal meaning of this phrase is unclear, but it would appear that the State of Oman considers that national legislation is required in order to give effect to the CRC and other international instruments.

Oman's initial report to the Committee on the Rights of the Child refers to some purported examples of implementation of the CRC through Omani legislation:

*"The Oman Penal Code, issued through Royal Decree No. 7/74, includes a number of provisions regarding children that, in many ways, satisfy the requirements of article 40 of the Convention of the Rights of the Child[...]"<sup>12</sup> and*

*"The Basic Law of the Sultanate guarantees rights and freedoms without discrimination, as referred to in article 2 [of the CRC]. Under the Basic Law, children must receive care and protection from adults".<sup>13</sup>*

In addition, the Omani Child Law was ratified on 19 May 2014;<sup>14</sup> within its provisions are a number of protective measures for the children of Oman and their coming into contact with the justice system.

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<sup>10</sup> Committee on the Rights of the Child, State party's report - Oman, 08 May 2006, para. 19, available at: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=OMN&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=OMN&Lang=EN).

<sup>11</sup> The Basic Law of Oman (n 5), Article 76.

<sup>12</sup> State party's report - Oman (n 2), para. 19.

<sup>13</sup> Ibid, para. 58.

<sup>14</sup> Royal Decree No. 22/14, the Child Law, available at (Arabic): <http://mosd.gov.om/rules/22-2014.pdf>.

D. Can the CRC be directly enforced in the courts?

It has not been possible to find any examples of attempts to enforce the CRC directly through the Omani courts. It would appear that court reporting in Oman is not as comprehensive as it is in some other jurisdictions; as such, there remains the possibility that such direct enforcement has been attempted.

In the event that direct enforcement of the CRC is not possible through the Omani courts, certain inferences are possible from the following provisions.

Article 80 of the Basic Law provides that:

*"No body in the State may issue rules, regulations, decisions or instructions which contravene the provisions of laws and decrees in force, or international treaties and agreements which constitute the part of the law of the country".*

One interpretation may therefore be that, even if the CRC cannot constitute a direct cause of action, its provisions would still be relevant to, and indeed binding upon, any exercise of judicial or governmental powers.

Concerning the possible procedure for challenging the Omani government or a judicial exercise of power, the Basic Law provides that:

*"The law shall stipulate the judicial department concerned with settling disputes arising from the incompatibility of laws and regulations with the Basic Law of the State and ensuring that the latter's provisions are not contravened, and shall define that department's powers and procedures".<sup>15</sup>*

This is confirmed in Article 11 of the Judiciary Act.<sup>16</sup>

It should also be noted that the Child Law, as mentioned in part I.C, contains some provisions which are very similar to the text of the CRC; in this regard, the CRC should, in theory, be indirectly enforceable by means of the Child Law in Oman, subject to Oman's registered reservation to the CRC.<sup>17</sup>

E. Are there examples of domestic courts using or applying the CRC or other relevant international instruments?

Please refer to part I.D above.

II. **What is the legal status of the child?**

A. Can children and/or their representatives bring cases in domestic courts to challenge violations of children's rights?

Royal Decree No. 32/97, the Personal Status Law, provides that a person is deemed to have the capacity to exercise their civil rights unless otherwise

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<sup>15</sup> The Basic Law of Oman (n 5), Article 70.

<sup>16</sup> Royal Decree No. 90/99, the Judiciary Act, available through the search engine of the Ministry of Legal Affairs at (Arabic): <http://www.mola.gov.om/mainlaws.aspx>.

<sup>17</sup> United Nations Treaty Collection, Convention on the rights of the Child, Declarations and Reservations, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-11&chapter=4&lang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en#EndDec)

stipulated by law;<sup>18</sup> that the legal age at which a person becomes ‘rashid’ (of sound mind, legal majority) is 18 years;<sup>19</sup> and that, until then, their legal guardian takes care of the affairs of a minor and represents them.<sup>20</sup> The Child Law, in its Article 1, confirms that a child is anyone under 18 years of age.

With regard to legal capacity to bring a claim, there are two forms of child guardianship under Omani law;<sup>21</sup> guardianship of the person, which entails responsibility for all matters relating to the person of the minor; and guardianship of property, which entails responsibility for all matters relating to the property of the minor. Both of the above forms of guardianship over a child would vest in the father unless renounced by him. It would therefore appear to follow that, in general, children, unless they are over the age of fifteen and have been given the appropriate authorisation, would need to make a legal claim through their guardian (their father in the majority of cases).

In certain cases, a child of fifteen years of age may be authorised by their guardian or by a judge in relation to certain matters, meaning that they would broadly enjoy the same rights as adults in relation to those matters (which most likely include the right to make a legal claim).<sup>22</sup> This would appear to be confirmed by Article 39(2) of the Civil Code, which accords children aged 15 and over certain autonomy over certain actions and rights of theirs. This includes the possibility that a child of 15 would be able to apply to a judge for such authorisation if their guardian refused to accord it,<sup>23</sup> and that a child who has attained puberty would be able to claim compensation in respect of harmful acts committed by his or her guardian, subject to certain limitation periods (please see part IV.D below).

The Child Law states that it is for any person(s) to make known any act of violence, exploitation, harm or other violation of a child’s rights to the relevant authorities in accordance with said legislation.<sup>24</sup> As such, it would appear that, should a child fall victim to a crime, they have the capacity to make a complaint directly to the authorities - although this may be subject to Article 42 of the Civil Code, which states that children under seven years of age do not have the capacity to exercise their rights autonomously; in such a case, it is most likely that their guardian would have to make such a claim on their behalf.

The Criminal Procedure Law states that, if the party that has suffered from the harmful act has not yet attained 15 years of age, it is for their guardian to bring the claim on their behalf.<sup>25</sup> It goes on to confirm that, should there be a conflict of interests between the child in question and their representative, or if they do not have a representative, it is for the Public Prosecutor to undertake their

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<sup>18</sup> Royal Decree No. 32/97, the Personal Status Law, Article 138, available through the search engine of the Ministry of Legal Affairs at (Arabic): <http://www.mola.gov.om/mainlaws.aspx>.

<sup>19</sup> Ibid, Article 139.

<sup>20</sup> Ibid, Article 142. Also see Royal Decree No 29/13, the Civil Code (n 35), Chapter 2.

<sup>21</sup> Ibid, Article 158 et seq.

<sup>22</sup> Ibid, Article 146.

<sup>23</sup> Ibid, Article 147.

<sup>24</sup> The Child Law (n 16), Article 62.

<sup>25</sup> Royal Decree No. 97/99, the Criminal Procedure Law, Article 8, available through the search engine of the Ministry of Legal Affairs at (Arabic): <http://www.mola.gov.om/mainlaws.aspx>.

representation.<sup>26</sup>

- B. If so, are children of any age permitted to bring these cases by themselves in their own names/on their own behalf, or must the case be brought by or with the assistance of a representative?

Please see part II.A above. The general rule appears to be that a child would need to make a legal claim through their guardian, unless they are over 15 years of age and had the appropriate authorisation, or if the claim was a complaint about the actions taken by the guardian which conflicted with the interests of the child.

- C. In the case of infants and young children, how would cases typically be brought?

Please see part II.A above. It has not been possible to identify any specific reference regarding any special procedure concerning claims made by or on behalf of infants and young children from publicly available sources.

- D. Would children or their representatives be eligible to receive free or subsidised legal assistance in bringing these kinds of cases?

The Basic Law provides that:

*“The Law defines the circumstances which require the presence of a lawyer on behalf of the accused and guarantees those without the financial capacity, the means to resort to justice and the defence of their rights”.*<sup>27</sup>

Unfortunately, it has not been possible to identify any provisions under Omani law concerning the circumstances in which a claimant may be granted some form of legal aid or assistance. Nor has the research identified any specific reference to similar schemes being provided by local charities or NGOs for the purposes of pursuing claims for violations of the CRC.

- E. Are there any other conditions or limits on children or chosen legal representatives bringing cases (e.g., would a child's parents or guardian have to agree to a case being brought)?

The research has not identified any other conditions or limits concerning the right of a child or their guardian to bring a claim. However, as a practical observation, it appears that the authorisation (by either a guardian or a court) referred to in part II.A above could be withdrawn at any time if doing so was deemed to be in the interests of the child (Personal Status Law, Article 150).

### III. **How can children’s rights violations be challenged before national courts?**

- A. If there is a potential violation of the Constitution or other principles established in domestic law, or with the CRC or other relevant ratified international/regional instruments, how can a legal challenge be brought?

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<sup>26</sup> Ibid.

<sup>27</sup> The Basic Law of Oman (n 5), Article 23.

As aforementioned in part I.D, the Constitution states that it is to be applied in conjunction with any international treaties and conventions that have been entered into by the Sultanate of Oman.<sup>28</sup> This is consolidated by it being prohibited for any of the State's bodies or departments from making any decisions, declarations or regulations that contravene Oman's obligations under said international treaties and conventions.<sup>29</sup>

The settling of disputes arising from the incompatibility of laws with the Basic Law of the Sultanate, and ensuring that those provisions are not contravened, are mandated to all Omani courts within the remit of their respective jurisdictions.<sup>30</sup>

B. What powers would courts have to review these violations, and what remedies could they offer?

Section 12 of the Child Law contains provisions outlining the various remedies for violations of the children's rights contained within said legislation; the majority of provisions stipulate the prescribed prison terms for persons violating any of the rights guaranteed to children in previous sections of the legislation, Article 76 also confirms the child's right to civil damages in conjunction with any such violation of their rights.

The Penal Code stipulates that judges in penal courts may accord the following civil measures; restitution, compensation, a pronouncement in favour of the harmed party, or expenses.<sup>31</sup>

C. Would such a challenge have to directly involve one or more individual child victims, or is it possible to challenge a law or action without naming a specific victim?

In civil matters, the Civil and Commercial Procedure Law, the CCPL, states that a claimant must have an interest, actual or potential, in the case being brought;<sup>32</sup> the CCPL also affirms that the names of both the claimant and their representative are required when bringing a claim.<sup>33</sup>

In accordance with the Criminal Procedure Law, complaints may be made orally or in writing to the Public Prosecutor, either by the injured party themselves or on their behalf by their guardian.<sup>34</sup> It remains unclear whether in such a case, where a child's guardian is claiming on their behalf, said child's name would have to be disclosed as is the case for Omani adults - but this is most likely the case.

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<sup>28</sup> Ibid, Article 72.

<sup>29</sup> Ibid, Article 80.

<sup>30</sup> Ibid, Article 70.

<sup>31</sup> Royal Decree No. 74/7, the Penal Code, Article 56, available at (Arabic): <http://www.rop.gov.om/pdfs/roplaws/arabic/ROPRULE-1.pdf>.

<sup>32</sup> Royal Decree No. 29/02, the Civil and Commercial Procedure Law, Article 3, available at (Arabic): <http://www.wipo.int/edocs/lexdocs/laws/ar/om/om015ar.pdf>.

<sup>33</sup> Ibid, Article 8.

<sup>34</sup> The Criminal Procedure Law (n 29), Article 5.

D. Is any form of collective action or group litigation possible, with or without naming individual victims?

It would appear that group actions are possible in Oman. The CCPL, in addressing matters relating to the values of claims, affirms that multiple claimants can bring a case relating to the same legal matter.<sup>35</sup> In criminal matters, if there is a multiplication of victims, it is possible for them to pursue the same claim and there is the option for one of the victims to act on behalf of the others;<sup>36</sup> however, there is no indication as to whether they would all have to be named, although, again, this is most likely.

E. Are non-governmental organisations permitted to file challenges to potential children's rights violations or to intervene in cases that have already been filed?

The research has not identified any legislative provisions specifying the possible intervention of non-governmental organisations in matters of concern to violations of children's rights.

IV. **Practical considerations.** Please detail some of the practical issues, risks and uncertainties that might be involved in bringing a case to challenge a violation of children's rights, such as:

A. Venue. In what courts could a case be filed (e.g., civil, criminal, administrative, etc.)? What would the initial filing process entail?

The judicial system in Oman operates at three hierarchical levels; the Courts of First Instance, the Appeals Courts and the High Court of Oman (or Court of Cassation).<sup>37</sup>

The Omani Court of First Instance has jurisdiction with regard to any civil claim. As a general rule, a single judge sitting in the Court of First Instance has jurisdiction to render a primary judgment where the value of the suit does not exceed 15,000 Omani Rials, and a final judgment where the value of the suit does not exceed 1,000 Omani Rials.<sup>38</sup> The Court of First Instance, sitting as three judges, has jurisdiction to render primary judgments on all suits where a single judge does not have jurisdiction to hear the case, as well as jurisdiction to render final judgments if the value of the suit does not exceed 3,000 Omani Rials.<sup>39</sup>

Proceedings must be initiated at the court with territorial jurisdiction for the place of domicile or place of residence of the defendant, or of one of them if they are multiple.<sup>40</sup> Suits against public bodies must be filed before the court with territorial jurisdiction for the place where the head office of the body concerned is situated.<sup>41</sup>

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<sup>35</sup> The Civil and Commercial Procedure Law, (n 38), Articles 60 and 61.

<sup>36</sup> The Criminal Procedure Law (n 29), Article 7.

<sup>37</sup> The Judiciary Act (n 18), Article 1.

<sup>38</sup> Ibid, Article 36.

<sup>39</sup> Ibid, Article 41.

<sup>40</sup> The Civil and Commercial Procedure Law (n 37), Article 44.

<sup>41</sup> Ibid, Article 46.



The procedure regarding personal status claims is described in Part 14 of the CCPL, which provides that jurisdiction to hear all issues regarding personal status matters shall be for the Court of First Instance, within the precinct of the defendant's domicile. If they do not have a domicile in the Sultanate, then jurisdiction shall be for the court within the precinct of the plaintiff's domicile.

Similarly, regarding criminal matters, Article 141 of the Criminal Procedure Law states that the court which has jurisdiction over the case is the one located in the precinct where the crime was committed, the precinct nearest to the defendant's residence, or the precinct nearest the place where the defendant was arrested.

- B. Legal aid / Court costs. Under what conditions would free or subsidised legal aid be available to child complainants or their representatives through the court system (i.e., would the case have to present an important legal question or demonstrate a likelihood of success)? Would child complainants or their representatives be expected to pay court costs or cover other expenses?

Article 225 of the Criminal Procedure Law states that any defendant found guilty of a crime is liable to pay all or some of the expenses, with the same applying before the Court of Appeal if the decision is upheld. Article 183 of the Civil and Commercial Procedure Law states that the court fees are to be covered by the losing party in the proceedings.

With regard to legal aid in the Omani court system, please see part II.D above.

- C. Pro bono / Financing. If legal aid is not available, would it be possible for child complainants or their representatives to obtain legal assistance from practising lawyers on a pro bono basis, through a children's rights organisation, or under an agreement that does not require the payment of legal fees up front?

Please see part II.D above. Unfortunately, the research has not identified guidance regarding other forms of assistance which may be available to claimants, or as to the pro bono work of Omani law firms regarding matters of children's rights violations.

- D. Timing. How soon after a violation would a case have to be brought? Are there any special provisions that allow young adults to bring cases about violations of their rights that occurred when they were children?

The laws relating to limitation periods (i.e. time periods after which legal claims cannot be pursued) in Oman are complex and depend upon the relevant cause of action. However, the general rule in the Civil Code is that actions must be brought no later than three years from the day on which the aggrieved became aware of the occurrence of the harm and of the identity of the person responsible therefor, and no later than fifteen years from the day on which the harmful act took place.<sup>42</sup>

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<sup>42</sup> Royal Decree No. 29/13, the Civil Code, Article 185(1) adn (3), available at (Arabic): <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/95453/112386/F358161002/95453%20om.pdf>.



It is also worth noting that a minor's claim for damages against his or her guardian concerning acts committed before the child the age of majority shall not be entertained after the expiration of one year from the date of their majority;<sup>43</sup> and a minor's claim against his or her guardian on matters relating to guardianship shall not be entertained after the expiration of five years from the child reaching majority, or if the guardianship has been terminated in certain circumstances, five years from the submission of the guardian's final statement.<sup>44</sup>

- E. Evidence. What sort of evidence is admissible/required to prove a violation? Are there particular rules, procedures or practices for dealing with evidence that is produced or presented by children?

According to a report submitted by Oman to the UN Committee on the Rights of the Child, which appears somewhat contradictory regarding civil matters:

*"The minimum age for testifying in criminal and civil courts is 18 years, for both males and females. There are no legal provisions fixing the age for giving testimony in civil law. Other laws that disqualify a person under 15 from testifying are applicable after the court assesses the capacity of the minor to understand the questions directed to them and their ability to answer them reasonably".<sup>45</sup>*

In instances of prosecutions against children that are under 18 years of age, it is a requirement that their guardian be present throughout the legal proceedings;<sup>46</sup> where necessary, the court is to assign a person to undertake this role.<sup>47</sup> Testifying under oath is a requirement for defendants and witnesses that are over 18 years of age; however, the requirement to be sworn under oath when testifying is waived for children under 18.<sup>48</sup>

Beyond this, there do not appear to be any further provisions regarding a simplified procedure for children giving evidence during proceedings.

- F. Resolution. How long might it take to get a decision from the court as to whether there has been a violation?

The research has not identified any information as to the average duration of legal proceedings in the Sultanate of Oman.

- G. Appeal. What are the possibilities for appealing a decision to a higher court?

The appeals process is described within Part 12 of the CCPL.

In summary, Court of First Instance decisions may be appealed by submitting a petition to the relevant court specifying, amongst other things, the grounds for

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<sup>43</sup> The Personal Status Law, Article 154(b).

<sup>44</sup> The Personal Status Law, Article 153.

<sup>45</sup> State party's report - Oman (n 2), para. 57.

<sup>46</sup> The Criminal Procedure Law (n 29), Article 14.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid, Article 108.

the appeal.<sup>49</sup> The time limit for doing this is usually 30 days from the day following the issue of the judgment in question.<sup>50</sup> It should be noted that the Court of Appeal is able to re-open issues considered at first instance, as well as considering new evidence and legal arguments.<sup>51</sup> Depending on the substance of the appeal, there is a possibility that the case may be remitted to the Court of First Instance after the Court of Appeal makes a determination.<sup>52</sup>

It is possible for a judgment of the Court of Appeal to be appealed to the Court of Cassation, the highest court in Oman, in the following circumstances; if the appealed judgment is grounded on proceedings contravening, misapplying or misinterpreting the law; or, if the judgment is erroneous or if the proceedings are void in such a manner affecting the judgment.<sup>53</sup> It may also be possible for a party to appeal any final judgment directly to the Court of Cassation where the court reached an inconsistent judgment on an issue that was *res judicata* (i.e. finally legally resolved and binding) between the parties.<sup>54</sup> An appeal to the Court of Cassation must generally be submitted within 40 days, commencing the day after the issue of the judgment being appealed.<sup>55</sup>

It is worth noting that it can be possible to ‘review’ final judgments in certain circumstances; for example, if there is a contradictory judgment, a forgery or the subsequent recovery of papers or documents which had been previously withheld by a party. The procedure is governed by Chapter Three of Part 12 of the CCPL.

- H. Impact. What are the potential short-term and long-term impacts of a negative decision? Is there a possibility for political backlash or repercussions from a positive decision?

The research has not identified any discernible information or trends regarding the repercussions or impacts of legal decisions concerning the rights of the child in Oman.

- I. Follow up. What other concerns or challenges might be anticipated in enforcing a positive decision?

The CCPL, in its Book II, Part I, Section I, refers to the ‘judge of enforcement’ and their competences.<sup>56</sup> It is their responsibility to ensure the correct and timely application of the obligations contained within the decision of the judge in question.

In the Criminal Procedure Law, the authority of judgments rendered is outlined in Articles 279 *et seq*. This legislation states that judgments relating to court fees

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<sup>49</sup> The Civil and Commercial Procedure Law (n 38), Article 219.

<sup>50</sup> *Ibid*, Article 214.

<sup>51</sup> *Ibid*, Article 224.

<sup>52</sup> *Ibid*, Article 228.

<sup>53</sup> *Ibid*, Article 239.

<sup>54</sup> *Ibid*, Article 240.

<sup>55</sup> *Ibid*, Article 242.

<sup>56</sup> The Civil and Commercial Procedure Law (n 38), Article 334 *et seq*.

and expenses are executable immediately,<sup>57</sup> as well as stipulating the application of sentences entailing prison time.<sup>58</sup> The Criminal Procedure Law also confirms that it is for the Public Prosecutor to ensure the enforcement criminal judgments pursuant to public actions,<sup>59</sup> as it is their sole responsibility to initiate such proceedings.<sup>60</sup>

- V. **Additional factors.** Please list any other national laws, policies or practices you believe would be relevant to consider when contemplating legal action to challenge a violation of children's rights.

Despite positive developments in this regard, Oman's national laws remain inconsistent with the rights guaranteed by the CRC;<sup>61</sup> for example, regarding corporal punishment, Article 38(2) of the Penal Code states that it is not a crime for a father or teacher of a child to administer corporal punishment to the child within certain limits.

There appear to be some human rights monitoring bodies, such as the National Human Rights Commission, which may be possible to consult for advice;<sup>62</sup> however, there does not appear to be a system of legal representation or legal assistance as such in the Sultanate of Oman.

*This report is provided for educational and informational purposes only and should not be construed as legal advice.*

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<sup>57</sup> The Criminal Procedure Law (n 29), Article 284.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid, Article 285.

<sup>60</sup> Ibid, Article 1.

<sup>61</sup> Committee on the Rights of the Child, Concluding observations, 6 November 2001, available at: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=OMN&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=OMN&Lang=EN).

<sup>62</sup> Further information regarding the National Human Rights Commission available at: <http://www.nhrc.om/en/>.