

Corporal punishment of children in Oman: Briefing for the Universal Periodic Review, 23rd session, 2015

From Dr Sharon Owen, Research and Information Coordinator,
Global Initiative, sharon@endcorporalpunishment.org



Global Initiative to
End All Corporal Punishment
of Children

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Oman, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child.

We hope the Working Group will note with concern the legality of corporal punishment of children in Oman. We hope states will raise the issue during the review in 2015 and make a specific recommendation that Oman clearly prohibit all corporal punishment of children in all settings including the home.

1 Review of Oman in the 1st cycle UPR (2011) and progress since then

- 1.1 Oman was reviewed in the first cycle of the Universal Periodic Review in 2011 (session 10). The issue of corporal punishment of children was raised in the compilation of UN information¹ and in the summary of stakeholders' information.² No recommendations were made specifically on corporal punishment but the Government accepted recommendations to strengthen domestic legislation in light of international human rights standards, including the Convention on the Rights of the Child.³
- 1.2 Prohibiting and eliminating all corporal punishment of children in all settings including the home – through law reform and other measures – is a key obligation under the Convention on the Rights of the Child and other human rights instruments, though it is one frequently evaded by Governments. Since the initial UPR in 2011, Oman has adopted the Child Law 2014 – but it does not fully protect children from corporal punishment, which remains lawful in the home and other settings

2 Legality of corporal punishment in Oman

- 2.1 **Summary:** In Oman, corporal punishment of children is unlawful in schools and it appears to be unlawful as a sentence for crime, but it is not prohibited in the home, alternative care settings, day care and penal institutions.

¹ 12 November 2010, A/HRC/WG.6/10/OMN/2, Compilation of UN information, paras. 33 and 61

² 8 November 2010, A/HRC/WG.6/10/OMN/3, Summary of stakeholders' information, para. 8

³ 24 March 2011, A/HRC/17/7, Report of the working group, paras. 89(6), 89(7), 89(8), 89(9), 89(10), 89(11), 89(12) and 89(24)

- 2.2 **Home (lawful)**: Provisions against violence and abuse in the Basic Law 1996, the Penal Code 1974, and the Code of Criminal Procedure 1999 are not interpreted as prohibiting corporal punishment in childrearing. The Child Law 2014 confirms children’s right to protection from violence, exploitation, abuse and inhumane treatment (art. 7) but it does not clearly prohibit all corporal punishment.
- 2.3 **Alternative care settings (lawful)**: There is no prohibition of corporal punishment in alternative care settings, where it is lawful as for parents. Children have limited protection under article 7 of the Child Law 2014.
- 2.4 **Day care (lawful)**: There is no prohibition of corporal punishment in early childhood care and in day care for older children. Children have limited protection under article 7 of the Child Law 2014. Corporal punishment is possibly prohibited in preschools under education law.
- 2.5 **Schools (unlawful)**: Corporal punishment is prohibited in schools under the Organisational Statutes of the General Education Schools, which also state that students cannot be insulted or treated harshly. The only punishments permitted in schools are those allowed in Ministerial Decree No. 91/99, which does not include corporal punishment.
- 2.6 **Penal institutions (lawful)**: There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions. Special protection measures for juveniles deprived of their liberty are provided by the Prison Regulation System No. 28/94, but we have no details of its provisions. Children have limited protection under article 7 of the Child Law 2014.
- 2.7 **Sentence for crime (?unlawful)**: Corporal punishment appears to be unlawful as a sentence for crime. It is not a permitted sanction under the Code of Criminal Procedure 1999 and the Basic Law 1996 prohibits torture and degrading treatment. However, the Basic Law 1996 also states that Sharia is the “basis for legislation” (art. 2) and we have yet to confirm that this does not include judicial corporal punishment for children in conflict with the law. According to article 54 of the Child Law 2014, children in conflict with the law are dealt with under the Juvenile Accountability Law. We have yet to confirm that the Juvenile Accountability Law 2008 ensures that juveniles cannot be sentenced to corporal punishment, including under Shari’a law.

3 Recommendations by human rights treaty monitoring bodies

- 3.1 **CRC**: The Committee on the Rights of the Child first raised the issue of corporal punishment of children in Oman in its concluding observations on the initial state party report in 2001, recommending that it be prohibited in the family and other settings.⁴ In 2006, the Committee reiterated its recommendations.⁵

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

⁴ 6 November 2001, CRC/C/15/Add.161, Concluding observations on initial report, paras. 35 and 36, 47 and 48

⁵ 29 September 2006, CRC/C/OMN/CO/2, Concluding observations on second report, paras 33, 34 and 35