



Convention on the Rights of the Child

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Written replies by the government of Oman concerning the list of issues (cRC/C/OPAC/OMN/Q/1) to be taken up in connection with the consideration of the initial report of Oman under article 8 (1) of the optional protocol to the convention on the rights of the child on the involvement of children in armed conflict (crc/c/opac/omn/1)* **

[Replies received on 21 April 2009]

The Sultanate of Oman has pleasure in submitting to the United Nations this reply to the comments on the initial report of Oman concerning the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

As was explained in the initial report, Oman, as a member of the United Nations, complies with international covenants and treaties and has set the minimum age for recruitment in its Armed Forces at 18 years. Indeed, the minimum age requirement was already in effect before Oman ratified the Optional Protocol in 2004, and the age of recruits is verified based on the documentation which must be presented under Omani law. Enlistment in the Armed Forces is voluntary, not compulsory. Under domestic law the recruitment of children under the age of 18 is a criminal offence.

Oman condemns the actions of armed groups which recruit, train and use children in hostilities and confirms that no children in Oman are involved in armed conflict, since the law forbids it. The domestic laws, including the Basic Law of the State, prohibit the formation of militias, armed groups and similar groupings. This state of affairs reflects the commitment of Oman to the principles of international humanitarian law.

In keeping with its commitments under international instruments which deal with the rights and protection of children and in order to increase public awareness of the Convention on the Rights of the Child and of the two Optional Protocols, Oman decided to organize and run a series of talks, seminars and workshops allowing children, to the extent possible, to present their views on the problems that they encounter.

The Sultanate reaffirms that its laws guarantee the protection of human rights (which are derived from the Geneva Conventions, to which Oman is a party), including the rights of the child. In that connection, the Human Rights Committee of Oman was established by Royal Decree No. 124/2008 and was tasked, inter alia, with protecting human rights and freedoms in Oman in accordance with the Basic Law of the State and the international treaties to which Oman is a party. The Committee also acts as an advisor to the competent State authorities on human rights matters, in particular children's rights and freedoms, contributes to the preparation of reports on these subjects, monitors any human rights infringements or violations that may occur in the State, assists in resolving them and recommends an annual plan of national measures aimed at disseminating a human rights culture in Omani society.

1.(a) Minimum age of voluntary recruitment in Oman and when it was raised to 18 years

As already mentioned in the initial report, we should begin by explaining that recruitment in the Armed Forces in Oman is voluntary; it depends on the wishes of the recruit, who must submit an application to the Armed Forces after reviewing the conditions of recruitment, including the minimum age requirement (18 years). Oman confirms that under the regulations applied by its Armed Forces (recruitment announcements), the minimum age for recruitment into the Armed Forces is 18. This is confirmed in the General Mobilization Act issued by Royal Decree No. 76/2008, which defines the age of military service as 18 years.

1.(b) When the age of recruitment was raised to 18

The age of recruitment in Oman has always been 18 full years.

2. Measures taken to provide members of the Armed Forces with information and training on the Optional Protocol

The competent authorities in Oman work with one another to disseminate information about the laws or treaties to which the Sultanate is a party. They do this through talks and workshops or through teaching on these subjects. The Armed Forces are not excluded from this system.

Since the Optional Protocol is a part of the country's domestic law, the Ministry of Social Development has organized lectures to familiarize members of the Armed Forces with the contents of the Optional Protocol.

The Ministry of Foreign Affairs invites international experts to come to Oman so that it can draw on their expertise to disseminate information about the treaties to which Oman is a party and ensure that these instruments are implemented properly, in keeping with the requirements of the international system.

Members of the Armed Forces are sent to participate in seminars and conferences abroad so that the maximum benefit can be derived from these events.

3.Provisions of the Omani Criminal Code on protection of children from recruitment and sanctions applied for violations

In addition to the information given in the initial report on the Optional Protocol, we should mention that the General Mobilization Act issued by Royal Decree No. 76/2008 defines the age of recruitment for military service during a general mobilization exercise as 18 full years. The Act prescribes a penalty of up to three years' imprisonment and/or a fine of up to 3,000 Omani rials (RO) for any violation of its provisions.

4.Information as to whether the State party can assume extraterritorial jurisdiction over the war crime of recruiting children under the age of 15 into armed forces or groups

Oman is a part of the international system which condemns war crimes. It has duly signed the Rome Statute of the International Criminal Court and has now only to ratify it. In addition,

Oman acceded to the Riyadh Arab Agreement on judicial cooperation pursuant to Royal Decree No. 34/99. The Agreement deals with such matters as letters rogatory and extradition of accused persons and convicted criminals.

Oman has concluded bilateral agreements with some States on the extradition of accused persons and convicted criminals. One example is its extradition agreement with India.

There is also the Extradition Act issued by Royal Decree No. 4/2000. In this connection, we refer to the information contained in the initial report which was submitted to the competent United Nations committee.

It is worth noting that Oman prohibits the formation of armed groups or armed forces operating outside the framework of the State. Indeed, under article 14, paragraph 2, of the Basic Law of the State, it is for the State to establish armed forces and public security structures, to safeguard territorial integrity and to maintain law and order. No body or grouping may create military or paramilitary groups, since this is a punishable offence under the Omani Penal Code issued by Royal Decree No. 7/47 (arts. 131 and 133) and the Counter-Terrorism Act issued by Royal Decree No. 8/2008 (art. 2).

5.Disaggregated data (including by sex, age and country of origin) covering the years 2005, 2006 and 2007 on the number of asylum-seeking, refugee and migrant (including unaccompanied) children coming to Oman from areas affected by armed conflict and information on the procedures available to identify children who have been involved in armed conflict, in order to provide them with physical and psychological recovery measures

Since Oman is a relative haven from conflict situations and conflict zones, it does not have any data on migrants seeking entry to, or applying for asylum in, Oman because of conflict in their own countries. Anyone who enters Oman comes for work, tourism, a family visit, study or business. Nevertheless, the Alien Residence Act does grant the competent authority the power to exempt certain categories from some of its provisions. Moreover, Oman has acceded to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

6.Provide information on whether national legislation prohibits the sale and export of arms when the final destination is a country where children are known to be, or may potentially be, recruited or used in hostilities and if not, whether the State party has given consideration to the possibility of adopting such legislation

As stated in the Basic Law of the State, Oman maintains friendly ties with all States and peoples, based on the principles of reciprocity, mutual interests, non-intervention in the internal affairs of States and compliance with international and regional treaties and with the generally

recognized norms of international law which foster peace and security among States and peoples. Since peace is also an objective to which the State aspires in all domains, the policy of Oman is not to export arms to countries in which there is an armed conflict of any kind.

The Arms and Ammunition Act issued by Royal Decree No. 36/90 prohibits trading in arms and ammunition without a licence from the competent State authority. The same prohibition applies to knives, firearms and ammunition and even repairs to such articles. The law prohibits the transfer of arms and ammunition from one party to another without a licence from the competent authority. The licence must stipulate the quantity of arms and ammunition which may be transferred, the name of the sending and the receiving party, the name of the recipient, the route for delivery and when the transfer will be made.

The Counter-Terrorism Act issued by Royal Decree No. 8/2007 prescribes a penalty of life or a minimum of 10 years in prison for anyone who provides a terrorist association, entity, organization, centre, group or gang with any funding, arms, explosives or other materials which endanger the lives or property of persons living in Oman. Oman abides by the principles of international conventions on money-laundering and issued the Money Laundering Act, by Royal Decree No. 34/2002, to combat this phenomenon.

Oman, which works with the international community to spread peace and justice, continues to update its laws in order to remedy any shortcomings in its legislation and to guarantee cooperation with all States.

Annexes

Annex 1: General Mobilization Act issued by Royal Decree No. 76/2008

Annex 2: Royal Decree No. 34/99

Annex 3: Extradition Act issued by Royal Decree No. 4/2000

Annex 4: Arms and Ammunition Act issued by Royal Decree No. 36/90

Annex 5: Counter-Terrorism Act issued by Royal Decree No. 8/2007

Annex 6: Money Laundering Act issued by Royal Decree No. 34/2002
