

Oman



Population: 2,967,717 (July 2010 est.)
Population Growth Rate: XX
Birth Rate: 23.9 births/1,000 population (2010 est.)
Life Expectancy: total population: 73.97 years
male: 72.15 years
female: 75.88 years (2010 est.)
Literacy Rate: total population: 81.4%
Male: 86.8%
Female: 73.5% (2003 est.)
Net Migration Rate: -0.48 migrant(s)/1,000 population (2010 est.)
Unemployment Rate: 15% (2004 est.)
Gross Domestic Product per Capita: \$23,900 (2009 est.)
Religions: Ibadhi Muslim 75%, other (includes Sunni, Shi'a Muslim, Hindu) 25%
Languages: Arabic (official), English, Baluchi, Urdu, Indian dialects
Ethnic Groups: Arab, Baluchi, South Asian (Indian, Pakistani, Sri Lankan, Bangladeshi), African
Capital: Muscat¹

Trafficking Routes

Oman is a destination country for men, women and children who are trafficked primarily from developing countries in South East Asia.² While the majority of Pakistanis arrive by boat, often via Iran, and are dropped off along Oman's 1,600-kilometer coastline with false promises of work.³ More than 40,000 of these illegal immigrants were sent back to Pakistan from 2002 to 2007.

Oman is also a transit country for victims who are attempting to enter other Gulf countries such as the UAE and Saudi Arabia.⁴

Factors That Contribute to Human Trafficking Infrastructure

Foreign workers constitute 79 percent of private sector workers in Oman.⁵ Like many other Gulf countries, Oman has a sponsorship system that expose migrant workers to risk of exploitation and abuse, including recruitment-related deception, unpaid wages,

¹ CIA, THE WORLD FACTBOOK 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/mu.html>.

² INTERNATIONAL TRADE UNION CONFEDERATION (ITUC), INTERNATIONALLY-RECOGNISED CORE LABOUR STANDARDS IN THE SULTANATE OF OMAN, 6, (2007) available at: http://www.ituc-csi.org/IMG/pdf/TPR_Oman.Final.pdf.

³ Sunil K. Vaidya, *Iran Battles Human Trafficking to Gulf*, GULF NEWS, Feb. 08, 2008, available at: <http://www.gulfnews.com/news/gulf/oman/iran-battles-human-trafficking-to-gulf-1.83623>.

⁴ Country Reports on Terrorism-Oman *supra* note 3.

⁵ Dr Jasim Ali, *Omanisation Can Be Good If Done the Right Way*, GULF NEWS, Oct. 11, 2008, available at: <http://gulfnews.com/business/opinion/omanisation-can-be-good-if-done-the-right-way-1.136808>.

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confiscation and withholding of passports, and physical violence.⁶ There are also reports in Gulf countries that employers may demand more hours of work without additional pay.⁷ The Oman Labor Code, which enforces basic human rights in the areas of wages, housing, and transportation costs, does not protect migrant workers or domestic servants.⁸ There are no governmental enforcement of protection services to victims of trafficking, who often flee situations of exploitation and abuse, only to be re-victimized.⁹

Oman's labor laws do not regulate the employment of temporary workers, non-citizens or domestic workers leaving individuals working in these fields extremely vulnerable and help to create an environment conducive to trafficking and exploitation.¹⁰

Forms of Trafficking

Many workers, both men and women, are lured to work in Oman from their countries of citizenship by recruiting agents who promise them steady jobs and good working conditions. Once in Oman, however, the workers often discover they have signed fictitious contracts and find themselves in exploitative conditions, such as commercial sexual exploitation or labor exploitation on camel farms.¹¹ The U.N. Special Rapporteur on trafficking in persons, Sigma Huda, reported on issues of human rights violations in Oman with regard to exploitation and maltreatment of migrant workers (especially "casual laborers") including physical and emotional violence, sleep deprivation, withholding of wages, restriction of movement, confiscation and withholding of passports, and denial of basic communication (e.g., telephone communication).¹² Women from Eastern Europe, South Asia, North Africa, and China are involved in prostitution, but it is unclear who of those women, if any, are victims of trafficking; however, the International Trade Union Confederation has reported on the use of women for commercial sexual exploitation, trafficked from the People's Republic of China, the Philippines, Morocco, and Eastern Europe.¹³ A report by Organs Watch, an organization

⁶ UAE: *Meetings Should Address Migrant Workers' Rights*, HUMAN RIGHTS WATCH, Jan. 17, 2008, available at: <http://www.hrw.org/en/news/2008/01/17/uae-meetings-should-address-migrant-workers-rights>.

⁷ Nassar Al-Sha'li, *Special Interview, Dr. Khawla Matter, Seizure of Worker's Passports, Violation of Human Rights*, OMAN CHAMBER OF COMMERCE AND INDUSTRY (OCCI), May/June 2009, Issue No.177. 18, available at: http://www.chamberoman.com/pdf/alghorfa_may09/e18-19.pdf.

⁸ Oman Labor Law, May 3, 2003, art. 2, §3, (Oman), available at: http://www.manpower.gov.om/labourlaw/TOC_English.pdf.

⁹ *UN Expert on Human Trafficking Calls on Oman to Do More to Help Victims*, UN NEWS CENTRE, Nov. 08 2006, available at: <http://www.un.org/apps/news/story.asp?NewsID=20537&Cr=human&Cr1=traffic>.

¹⁰ FREEDOM HOUSE, *WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA* (2009), available at: <http://www.freedomhouse.org/template.cfm?page=384&key=172&parent=16&report=76>.

¹¹ INTERNATIONAL SERVICE FOR HUMAN RIGHTS, *ISHR'S SUMMARIES OF DOCUMENTS FOR THE 5TH SESSION OF THE HUMAN RIGHTS COUNCIL, REPORT OF THE SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN* (2007), available at: http://www.ngoic.org/_upload/2007/6/A-HRC-4-23_ISHRsummary-220356.pdf.

¹² AMNESTY INTERNATIONAL, *2007 ANNUAL REPORT FOR OMAN* (2007), available at: <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2007&c=OMN>.

¹³ INTERNATIONAL TRADE UNION CONFEDERATION (ITUC), *INTERNATIONALLY-RECOGNISED CORE LABOUR STANDARDS IN THE SULTANATE OF OMAN: REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF TRADE POLICIES OF THE SULTANATE OF OMAN* (2008), available at: http://www.ituc-csi.org/IMG/pdf/TPR_Oman.Final.pdf.

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based at the University of California, Berkeley, identified Oman as one of the world's major organ-importing countries, suggesting that the international organ trade was a remnant of the inadequacy of many countries' health care systems.¹⁴

Government Responses

The sultanate strongly believes that the continued process of "Omanization," or replacing foreign workers with locals, will help Oman to fulfill its commitment to the United States to improve the conditions for migrant workers.¹⁵ In July 2008, the Ministry of Manpower ceased issuing visas to companies in the following sectors: import and export, cleaning, barbershops and beauty parlors, tailors, laundry, electronic repair, garbage cleaning and selling, textile shops, mobile GSM shops, health clubs, car repair, workshops in aluminum, iron, and wood, and other related activities.¹⁶

Oman's criminal code prohibits using duress, threat, or deceit to procure a person for lewdness or prostitution. Punishment is imprisonment for three to five years. If the act is committed against a minor (below 18 years of age), the minimum punishment is five years' imprisonment.¹⁷ The code criminalizes the act of abducting a person by coercion, threat, or deception with intent to commit a carnal act, for which the punishment is imprisonment for five to 15 years.¹⁸ The code outlaws committing a carnal act on a person below the age of 15 or a person with a physical or mental disability and penalizes the act with imprisonment for five to 15 years, even if the act was committed without coercion, threat, or deception.¹⁹

The code penalizes any person who lives partly or wholly on the proceeds of prostitution, punishable by a fine of 20-100 rials and imprisonment for three months to three years. The same penalty applies to anyone who manages or helps to establish a place of prostitution.²⁰

The code penalizes any person who deprives another of his liberty by abduction or any other means or who knowingly conceals an abducted person. The punishment is imprisonment for six months to two years.²¹ If the person whose liberty is deprived is subjected to physical or mental torture, rape or forced prostitution, the abductor is subject to imprisonment of no less than 15 years.²²

¹⁴ Mehru Jaffer Vienna, *Body Shopping*, HARDNEWS, Mar. 2008, *available at*: <http://www.hardnewsmedia.com/2008/03/2083>.

¹⁵ UNITED STATES INTERNATIONAL TRADE COMMISSION, U.S.-OMAN FREE TRADE AGREEMENT: POTENTIAL ECONOMY WIDE AND SELECTED SECTORAL EFFECTS (2006), *available at*: <http://www.usitc.gov/publications/docs/pubs/2104F/pub3837.pdf>.

¹⁶ Anita Joseph, *Ban on Visas for Several Professionals*, TIMES OF OMAN, July 27, 2008, *available at*: <http://www.timesofoman.com/innercat.asp?detail=17786>.

¹⁷ Oman Penal Code, art. 220, Section 2, Chapter V,(Oman) *available at*: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaOman.pdf>.

¹⁸ Oman Penal Code, art. 218,(Oman) *available at*: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaOman.pdf>.

¹⁹ *Id.* at 18.

²⁰ Oman Criminal Code, art. 221, Section 2, Chapter V,(Oman) *available at*: http://www2.ohchr.org/english/bodies/crc/docs/CRC_C_OPSC_OMN_1_NEW.pdf.

²¹ Oman Criminal Code, art. 256, Section 2, Chapter VI,(Oman) *available at*: http://www2.ohchr.org/english/bodies/crc/docs/CRC_C_OPSC_OMN_1_NEW.pdf.

²² Oman Criminal Code, art. 258(3), Section 2, Chapter VI,(Oman) *available at*: http://www2.ohchr.org/english/bodies/crc/docs/CRC_C_OPSC_OMN_1_NEW.pdf.

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The code outlaws the act of enslaving a person, or any condition of “virtual” enslavement. The punishment is imprisonment for five to 15 years.²³ In addition, anyone who traffics a person “in a condition of involuntary servitude or slavery in or out of Oman, or in any way disposes of, receives, takes possession of, or acquires that person or keeps him or her in that condition,” is punished with imprisonment of three to five years.²⁴

Regarding exploitation and domestic human trafficking, article 12 of the Basic Law of 1996, protects both the employee and employer, recognizing the right of an Omani citizen to “engage in work of his choice within the limits of the Law. It is not permitted to impose any compulsory work on anyone except in accordance with the Law and for the performance of public service, and for a fair wage.”²⁵

The Oman Labor Law²⁶ does not apply to domestic workers whose labor is within or outside of the household, such as maids, cooks, or drivers.²⁷ The law also states the minimum age for work is 15.²⁸ Employers are prohibited from employing a non-Omani worker “unless he has obtained permission from the Ministry.” In addition, non-Omani workers must obtain a labor card from the sultanate before joining the workforce. The labor card is granted only under the following provisions: “that the worker has the professional competence or technical skill or the qualifications needed by the country; that the employer has a permit to bring the worker forward in accordance with Section 1; that the worker has entered the country in a lawful manner and satisfies the conditions provided in the Foreigner’s Residence Law; that the worker is medically fit and free of such contagious and chronic diseases as may be specified by the Ministry of Health; that the worker has entered into contract with an Omani or non-Omani employer who has obtained the necessary permit from the Ministry of Commerce & Industry, if the worker is needed to work in the establishment; that the prescribed fees have been paid.”²⁹

The Foreigner’s Residence Law states that, “a foreigner cannot enter or leave the Sultanate of Oman without holding a valid passport or travel document ... issued by recognized authority. The travel document should authorize the holder to return to the country from which it is issued.” Additionally, article 6 of the law regulates the point of transit where foreign workers enter Oman’s borders, as indicated by the inspector general of Police and Customs’ decision.³⁰

²³ Oman Criminal Code, art. 260, Section 2, Chapter VI, (Oman) *available at*: http://www2.ohchr.org/english/bodies/crc/docs/CRC_C_OPSC_OMN_1_NEW.pdf.

²⁴ Oman Criminal Code, art. 261, Section 2, Chapter VI, (Oman) *available at*: http://www2.ohchr.org/english/bodies/crc/docs/CRC_C_OPSC_OMN_1_NEW.pdf.

²⁵ The White Book. The Basic Law of the Sultanate of Oman, Nov. 6, 1996, art. 12, (Oman), *available at*: http://www.servat.unibe.ch/law/icl/mu00000_.html.

²⁶ Oman Labor Law, May 3, 2003, art. 2 (Oman), *available at*: http://www.manpower.gov.om/labourlaw/TOC_English.pdf.

²⁷ Oman Labor Law *supra* note 9.

²⁸ Oman Labor Law, May 3, 2003, art. 75, (Oman), *available at*: http://www.manpower.gov.om/labourlaw/TOC_English.pdf.

²⁹ Oman Labor Law, May 3, 2003, art. 18, (Oman), *available at*: http://www.manpower.gov.om/labourlaw/TOC_English.pdf.

³⁰ Hamdan bin Said Al-Mas’odi, *Requirements for Foreigners to Enter Oman*, AL AIN AS’SAHIRA MAGAZINE (Muscat, Oman), Aug. 2008 at 20, *available at*: <http://www.rop.gov.om/download.asp?mode=2&filename=roppdf119eng.pdf>.

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In 2008, the Sultan of Oman, Qaboos bin Sa'id, passed the comprehensive Law Combating Trafficking in Persons which defines trafficking as, "illegal exploitation of a person to include: prostitution, sexual assault, servitude, forced labor, enslavement, quasi-slavery practices, subjugation, or illegal detachment of organs."³¹ The new Law also addresses certain vulnerabilities of victims. The provisions of article 5 state that, "While investigating or trying a crime of human trafficking, the following procedures should be taken: A) Make the victim understand his/her legal rights in a language understandable to him/her, and allow him/her to explain his/her legal, physical, psychological, and social status. B) Refer the victim, in case he/she needs special care or lodging, to the concerned party, and he/she must be taken, as appropriate, to one of the medical or psychological rehabilitation centers, one of the shelters, or one of the accommodation centers. C) Provide security protection to the victim or the witness, whenever deemed necessary. D) If the investigation or trial finds cause, and it is ordered by Public Prosecution or the Court, the victim or the witness shall be permitted to stay in the Sultanate, on a case-by-case basis."³²

Article 8 of the new law punishes human trafficking with "imprisonment for a minimum term of three years and a maximum term of seven years, and a fine of a minimum amount of five thousand rials and a maximum amount of one hundred thousand rials."³³ This law also established the National Committee to Combat Human Trafficking, which acts as the enforcement mechanism for the government of Oman.³⁴

Multilateral Initiatives

In January 2008, Omani officials met with delegates from 21 other Asian and Middle Eastern countries in Abu Dhabi to discuss contract migrant workers from Asia and to implement stronger monitoring of labor-recruitment agencies to more rigorously regulate, monitor, and enforce minimum standards for labor-recruitment agencies.³⁵

Oman also collaborates with Iran and Pakistan to deal with illegal immigration and human trafficking. The Iranian ambassador to Oman, Morteza Rahimi, said in February 2008 that, "The tripartite efforts have gathered pace and are already showing results with slowing down of the illegal immigrants' movement from Pakistan to Oman via Iran."³⁶

³¹ Royal Decree 126/2008: Promulgating the Law Combating Trafficking In Persons Law Combating Trafficking in Persons, 2008, art.8, (Oman), *available at*: <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/81766/88931/F1239239215/OMN81766.pdf>

³² *Id.* at 31.

³³ *Id.* at 31.

³⁴ *Id.* at 31.

³⁵ Human Rights Watch *supra* note 6.

³⁶ USITC *supra* note 15.