



End Violence
Against Children



End Corporal
Punishment

Corporal punishment of children in Oman

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www.endcorporalpunishment.org

Child population 1,051,000 (UNICEF, 2015)

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, alternative care settings, day care, penal institutions and possibly as a sentence for crime.

Article 44 of the Criminal Code 2018 authorises parents to discipline children “within the limits recognised by shari’a or statute law...”. The near universal acceptance of corporal punishment in “disciplining” children necessitates clarity in law that no degree or kind of such punishment is acceptable or lawful. This defence for the use of corporal punishment should be repealed, and prohibition enacted of all corporal punishment, however light and whoever the perpetrator.

Alternative care settings – Prohibition should also be enacted in relation to all alternative care settings (foster care, institutions, places of safety, emergency care, etc.).

Day care – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, kindergartens, preschools, family centres, etc.) and all day care for older children (day centres, after-school childcare, childminding, etc.).

Penal institutions – Prohibition should be enacted in relation to the disciplinary measures permitted in all institutions accommodating children in conflict with the law.

Sentence for crime – There should be clarity in law that no child should be sentenced to corporal punishment, including under Shari’a law.

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. Article 44 of the Criminal Code 2018¹ states (unofficial translation): “An action committed in good faith in enjoyment of a lawful right or in performance of a lawful duty shall not be deemed a crime. It shall be deemed enjoyment of a right when: (a) parents and those in loco parentis chastise underage children within the limits recognised by shari’a or statute law...” A similar article was included in the now repealed Penal Code 1974. Provisions against violence and abuse in the Basic Law 1996, and the Code of Criminal Procedure 1999 are not interpreted as prohibiting corporal punishment in childrearing. The Child Law 2014² confirms children’s right to protection from violence, exploitation, abuse and inhumane treatment (art. 7) but it does not prohibit all corporal punishment.

In 2015, the Government reported to the Committee on the Rights of the Child that “protection of the child from corporal punishment is evident from the enactment of a considerable amount of penal legislation banning all forms of physical and mental violence against children, including corporal punishment, deliberate abuse and harm, mistreatment, neglect or exploitation to which children may be exposed in the family or foster family environment or in other types of care in public and private institutions, such as prison and school”.³ But as noted above, legislation not only lacks comprehensive prohibition of corporal punishment but specifically allows for punishment of children “within the limit of public customs”. A national strategy for children 2016-2025 was being drafted in 2015: we are seeking further information.⁴

During the Universal Periodic Review of Oman in 2015, a recommendation was made to explicitly prohibit corporal punishment of children in all settings including the home.⁵ The Government had initially indicated its commitment to prohibition by clearly accepting this recommendation;⁶ at the same time it asserted that the recommendations it had accepted are “in conformity with the Constitution, the teachings of the Islamic Sharia and the Omani society and culture”.⁷ However, in subsequent years domestic legislation was not strengthened to prohibit corporal punishment. Consequently, End Corporal Punishment no longer considers Oman committed to prohibiting all corporal punishment of children without delay. Although the 2018 Criminal Code was meant to “address many of the deficiencies and lacunae in the current code”,⁸ its article 44 reiterates a legal defence which allows the disciplining of children “within the limits recognised by shari’a or statute law...”. The near universal acceptance of the use of force in childrearing means that this provision can be interpreted as allowing ‘minor’ acts of physical punishment – Oman must repeal this provision and enact a clear and explicit prohibition of all corporal punishment of children, however light.

In 2020, the Government reported to the Human Rights Council⁹ that the implementing regulations of the Children’s Code 2014 (pursuant to Decree No. 125 of 2019) prohibited practices harmful to children’s health and banned any other traditional practice that might damage a child’s health. The Government did not refer to prohibition of all forms of corporal punishment of children.

Alternative care settings

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 (see under “Home”).

¹ Royal Decree No. 7/2018

² Sultaan Decree No. 2014/22

³ 28 January 2015, CRC/C/OMN/3-4, Third/fourth state party report, para. 76

⁴ 8 September 2015, A/HRC/WG.6/23/OMN/1, National report to the UPR, para. 47

⁵ 6 January 2016, A/HRC/31/11, Report of the working group, para. 129(142)

⁶ 8 March 2016, A/HRC/31/11/Add.1, Report of the working group

⁷ 23 March 2016, A/HRC/31/2 Advance unedited version, Draft report of the Human Rights Council on its 31st session, para. 752

⁸ 19 July 2017, CEDAW/C/OMN/Q/2-3/Add.1, Reply to list of issues, para. 34

⁹ 12 November 2020, A/HRC/WG.6/37/OMN/1, National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council Resolution 5/1, paras. 99 and 100

Day care

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 (see under “Home”). Corporal punishment is possibly prohibited in preschools under education law (see under “Schools”). Regulation for kindergartens were adopted in 2012 (Ministerial Decree No. 212/2012); we have yet to see the text but have seen no indications that they prohibit corporal punishment.

Schools

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.

Penal institutions

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 (see under “Home”).

Sentence for crime

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. The Government has reported that the Juvenile Accountability Law 2008¹⁰ excludes corporal punishment as a sentence for crime¹¹ but we have yet to confirm that juveniles cannot be sentenced to corporal punishment under Shari’a law.

Universal Periodic Review of Oman’s human rights record

Oman was examined in the first cycle of the Universal Periodic Review in 2011 (session 10). No recommendations were made specifically concerning corporal punishment of children. However, the following recommendations were made and were accepted by the Government:¹²

“Continue with the process of harmonizing national laws, regulations and legislations with the provisions of the international human rights treaties to which it is a party and take appropriate measures in this regard (Qatar);

“Take further measures aimed at strengthening laws and regulations regarding human rights (Mauritania);

“That domestic legislation be brought more closely into line with the stipulations of relevant human rights instruments and that the Government establish an effective coordination and oversight body to monitor antitrafficking efforts and collect accurate data for use in future strategies and initiatives (Indonesia);

¹⁰ Royal Decree No. 2008/30

¹¹ 28 January 2015, CRC/C/OMN/3-4, Third/fourth state party report, para. 78

¹² 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)

“Continue promulgating legislation and promoting policies necessary to strengthen the protection of, and respect for, the rights of women and their role in society, while considering them an essential partner in the development process (Egypt);

“Continue its efforts to ensure bringing into force of the Omani Law of the Child in pursuit of its national strategy on children and in line with the obligations under CRC (Bangladesh);

“Further pursue efforts to pass a national law which would ensure a greater degree of protection for children (Sudan);

“Finalize and enact legislation to better protect children, including the draft Law of the Child (Australia);

“Adopt a national action plan for child rights in the juvenile justice system (Sudan).”

Examination in the second cycle took place in 2015 (session 23). The following recommendation was made:¹³

“Explicitly prohibit all corporal punishment of children in all settings, including the home (Estonia)”

The Government accepted this recommendation.¹⁴ At the formal adoption of its responses to the UPR recommendations, the Government asserted its position that “the recommendations accepted were in conformity with the Constitution, the teachings of the Islamic Sharia and the Omani society and culture”.¹⁵

During the third cycle review in 2021 (session 37), no recommendations were made specifically concerning corporal punishment of children. However, the following recommendations were made and were accepted by the Government. The following recommendation was made:¹⁶

“Further increase protection of children against any form of violence and abuse and enshrine the right to education for all children in the Basic Law (Czechia)”

The Government accepted the recommendation.¹⁷

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(21 January 2016, CRC/C/OMN/CO/3-4 Advance Unedited Version, Concluding observations on third/fourth report, paras. 6, 35 and 36)

“The Committee recommends that the State party take all necessary measures to address its previous recommendation of 2006 (CRC/C/OMN/CO/2) which have not been implemented or only partially implemented and, in particular, those related to non-discrimination (para. 25); right to identity (para. 32); corporal punishment (para. 34); children with disabilities (para. 44); harmful practices (para. 52); children of migrant workers (para. 60); economic exploitation, including child labour (para. 62); sexual exploitation and trafficking (para. 66); and administration of juvenile justice (para. 68).

“The Committee welcomes information that the Child Act prohibits any form of violence against a child by any person and that penal legislation has been enacted to address violence against children. It also welcomes awareness-raising initiatives of the Ministry of Education on positive methods in dealing with student behaviour. The Committee, however, is concerned that corporal punishment is not explicitly prohibited in the Child Act and is widely accepted in society as a way for disciplining children in the home, schools and residential institutions.

¹³ 6 January 2016, A/HRC/31/11, Report of the working group, para. 129(142)

¹⁴ 8 March 2016, A/HRC/31/11/Add.1, Report of the working group

¹⁵ 23 March 2016, A/HRC/31/2 Advance unedited version, Draft report of the Human Rights Council on its 31st session, para. 752

¹⁶ 25 March 2021, A/HRC/47/11, Report of the working group, para.134(206)

¹⁷ 23 June 2021, A/HRC/47/11/Add.1, Report of the working group: Addendum

“In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment, and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:

- a) amend the Child Act to explicitly prohibit corporal punishment in all settings, and repeal article 38(2) of the Penal Code which authorizes punishment within the limit of public customs, as well as implement policies to ensure that corporal punishment is prohibited in all settings, including in the family, schools and institutions;
- b) promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and training for principals, teachers, and other professionals working with and for children; and
- c) strengthen and expand its efforts through awareness-raising programmes, including campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process.”

Committee on the Rights of the Child

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

“The Committee notes that measures are being taken to address corporal punishment in the context of disciplinary measures in schools. However, the Committee is concerned that corporal punishment is widespread throughout society as a method of discipline. The Committee notes with particular concern that corporal punishment of children is lawful in the home and institutions.

“The Committee urges the State party to:

- a) review its current legislation with a view to preventing and ending the use of corporal punishment of children as a method of discipline, and to introducing new legislation prohibiting all forms of corporal punishment of children in the family and within all institutions, including public and private institutions and the alternative care system;
- b) introduce public education, awareness-raising and social mobilization campaigns on alternative non-violent forms of discipline with the involvement of children in order to change public attitudes to corporal punishment; and
- c) seek international technical assistance from, among others, UNICEF in this regard.

“The Committee draws the attention of the State party to the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.”

Committee on the Rights of the Child

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

“The Committee welcomes the introduction of the new system for reporting incidents of child abuse and neglect and the establishment of the Family Counselling and Guidance Department. However, the Committee remains concerned that there is insufficient information and awareness in Oman of the ill-treatment and abuse of children within the family and institutions.

“The Committee recommends that the State party:

- a) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- b) take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family and in institutions;
- c) carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment...

“Noting that the Organizational Statutes of the General Education Schools bans corporal punishment, the Committee remains concerned that this issue is not effectively addressed.

“The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures for its prevention and elimination.”

Committee on the Rights of Persons with Disabilities

(2 March 2018, CRPD/C/OMN/CO/1 Advance unedited version, Concluding observations on initial report, paras. 15, 16, 31 and 32)

“The Committee is concerned that:

(a) Both de jure and de facto discrimination of children with disabilities, especially with respect to access to social and health services and equal education opportunities, continues to be problematic in the State party;

(b) Boys and girls with disabilities in the State party reportedly experience high levels of abuse and violence, including corporal punishment, in the home, in schools, in institutions and in alternative and day care settings;...

“The Committee recommends that the State party:

(a) Ensure that all children with disabilities enjoy their rights under the Convention and in line with the best interest of the child principle, both de jure and de facto, including through the amendment of the Child Act of 2014 to explicitly prohibit corporal punishment of children in all settings, and that it intensify efforts to ensure the effective elimination of any form of discrimination against children with disabilities, through awareness-raising programmes, including campaigns and education, especially in the schools and at the community level;

(b) In line with the Convention and Sustainable Development Goal 16 (target 16.2), adopt legislation and concrete measures to ensure that children with disabilities are adequately protected from abuse and violence, and that perpetrators are sanctioned;

(c) Mainstream disability rights in national strategies and action plans for children, including the adoption and implementation of a national plan for the care of children with disabilities, including in cooperation with UNICEF;...”

“The Committee is concerned about insufficient measures to prevent abuse and violence against persons with disabilities in the home, institutions, alternative care and day care settings, that corporal punishment of children is widespread in the State party and that there is insufficient awareness about complaint mechanisms and support services for victims.

“The Committee recommends that the State party:

(a) Adopt and implement legislation, policies and programmes to protect all persons with disabilities, in particular women with intellectual and/or psychosocial disabilities, and children with disabilities from all forms of abuse and violence, including corporal punishment, in particular by stepping-up implementation of the national strategy for protecting children from all types of abuses, and adopting the draft Regulations to the Child Act on female genital mutilation;

(b) Raise awareness about the telephone hotline to report cases of abuse, neglect and violence, and ensure that the e-service complaint mechanism is accessible and inclusive, raise-awareness about the complaint mechanism to persons with disabilities and their families, and ensure the provision of accessible information and victim support services in all parts of the State party, in particular for women and children with disabilities;

(c) Ensure that all cases in which persons with disabilities are exposed to abuse and violence, in particular children, are reported and fully investigated, that perpetrators are prosecuted and appropriately punished and that victims are provided with effective redress, including compensation and rehabilitation;

(d) Ensure regular training on preventing and addressing violence against persons with disabilities for all relevant authorities and other stakeholders, including law enforcement officials, judges, social

workers, health professionals and teachers, as well as promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and support for families with children with disabilities.”

Prevalence/attitudinal research in the last ten years

None identified.

[End Corporal Punishment](#) is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.