



U.S. DEPARTMENT OF LABOR
BUREAU OF INTERNATIONAL LABOR AFFAIRS



OMAN

**LAWS GOVERNING EXPLOITATIVE CHILD
LABOR REPORT**

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Introduction

This report on the laws of Oman governing exploitative child labor has been prepared pursuant to section 2102(c)(9) of the Trade Act of 2002 (“Trade Act”) (Pub. L. No. 107-210). Section 2102(c)(9) provides that the President shall:

with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor.

The President, by Executive Order 13277 (67 Fed. Reg. 70305 (Nov. 21, 2002)), assigned his responsibilities under section 2102(c)(9) of the Trade Act to the Secretary of Labor and provided that they be carried out in consultation with the Secretary of State and the U.S. Trade Representative. The Secretary of Labor subsequently provided that such responsibilities would be carried out by the Secretary of State, the U.S. Trade Representative and the Secretary of Labor (67 Fed. Reg. 77812 (Dec. 19, 2002)).

Exploitative Child Labor

There is no universally accepted definition of the term “exploitative child labor.” Under article 2(3) of the International Labor Organization (ILO) Convention 138, Minimum Age for Admission to Employment, the minimum age of admission into employment or work in any occupation “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15.” Countries whose economies and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention. Additionally, Article 7(1) states that “national laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is – (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” Countries that have specified a minimum legal working age of 14 may permit the employment or work of persons 12 to 14 years of age on light work as defined in Article 7(1). Examples of such light work may include work in a family business, on a family farm, after school, in legitimate apprenticeship opportunities or other work that is similarly not hazardous and that does not affect a child's attendance at school.

The ILO has defined the “worst forms” of child labor in ILO Convention 182, Worst Forms of Child Labor. Under Article 3 of ILO Convention 182 the term the “worst forms of child labour” comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.¹

According to Convention 182, the types of work referred to in Article 3(d) “shall be determined by national laws or regulations or by the competent authority”² Article 2 of the Convention states that “the term child shall apply to all persons under the age of 18.”³

This report relies primarily on information obtained from the Department of State in Washington, D.C., the U.S. Embassy in Oman, and other U.S. Government reports. It also relies upon a wide variety of reports and materials originating from Oman, international organizations and nongovernmental organizations (NGOs). In addition, the report draws on consultations held by U.S. Department of Labor officials and a U.S. interagency team with Omani government officials, representatives of worker and employer organizations, and NGOs.⁴ Finally, the report also makes use of information submitted in response to a Department of Labor request for public comment published in the *Federal Register*.⁵

Child Labor Laws and Enforcement

The Government of Oman ratified ILO Convention 138 on July 21, 2005 and ILO Convention 182 on June 11, 2001.⁶

The Oman Labour Law enacted in 2003 establishes the minimum age for employment at 15 years, while minors ages 15 to 18 years are not permitted to work between the hours of 6 p.m. and 6 a.m.⁷ Minors are prohibited from working overtime or in certain hazardous occupations.⁸

¹ International Labor Organization, *C182 Worst Forms of Child Labour Convention, 1999*, Articles 2, 3 and 4; available at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>.

² Ibid, Article 4.

³ Ibid, Article 2. ILO Recommendation 190 on the worst forms of child labor provides certain guidelines that countries should consider in determining what constitutes a worst form of child labor under Article 3(d). See International Labor Organization, *R190 Worst Forms of Child Labour Recommendation, 1999*, available at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>.

⁴ The consultations were held December 11-13, 2005. Section 2102(c)(7) of the Trade Act requires the U.S. Department of Labor to consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance if needed.

⁵ U.S. Department of Labor, “Request for Information Concerning Labor Rights in Oman and its Laws Governing Exploitative Child Labor,” 70 Fed. Reg. 2657-2658 (Jan. 14, 2005). The Department received one comment, from the AFL-CIO, in response to this notice.

⁶ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited December 21, 2005]; available at <<http://www.ilo.org/ilolex/english/newcountryframeE.htm>>.

⁷ Government of the Sultanate of Oman, *Oman Labour Law*, promulgated by Royal Decree No. 35/2003 (hereinafter *Oman Labour Law*), Articles 75-76.

⁸ Ibid, Article 77. See also U.S. Embassy-Muscat, *unclassified telegram 1449*, August 23, 2004.

Employers are prohibited from requiring minors to work on official days of rest or holidays or for more than six hours per day.⁹ Workplaces that employ minors are required to post certain items for display, including: a copy of the rules regulating the employment of children; an updated log with the names of minors employed in the workplace with their ages and dates of employment; and a work schedule showing work hours, rest periods, and weekly holidays.¹⁰

The worst forms of child labor may be prosecuted under different statutes in Oman. Forced or compulsory labor by children is generally prohibited by law.¹¹ Under Article 259 of the Penal Code, anyone who enslaves a person or puts him in a quasi slavery commits a crime that is punishable by a sentence of five to 15 years in prison. Under Article 220 of the Penal Code, the enticement of a minor into an act of prostitution is a crime punishable by not less than five years imprisonment.¹²

The Labor Care Directorate of the Ministry of Manpower is responsible for the enforcement of child labor laws.¹³ While restrictions on the employment of youth are generally followed, enforcement does not always extend to agriculture and fishing sectors.¹⁴ The Labour Law does not apply to workers working for family members on whom they are dependent.¹⁵ In practice, most employers will ask prospective employees for a certificate indicating that he or she has completed basic education.¹⁶ Considering that children usually begin their basic education at age six, this means that workers, in most cases, will be at least 16 years old when they begin work.¹⁷ Employers who violate the child labor provisions of the Oman Labour Law are subject to a fine of 100 Omani Rials (US\$260).¹⁸ A second violation within one year can result in one week of imprisonment.¹⁹ The Ministry of Manpower conducted over 4,000 labor inspections in 2004; however, the statistics do not specify whether children were among workers at any of the inspected establishments.²⁰

The law does not prohibit trafficking in persons; however, trafficking crimes are prosecuted under the criminal code and those convicted face three to five years in prison.²¹ While there have been some isolated and unsubstantiated claims that trafficking occurs, this does not appear to be a significant problem.²² There have been reports in the past of underage boys employed as

⁹ Ibid, Articles 76-77.

¹⁰ Ibid, Article 78.

¹¹ Oman's Basic Law prohibits compulsory labor, except in accordance with the law, for the performance of public service, and for a fair wage. See Government of the Sultanate of Oman, *The White Book: The Basic Law of the Sultanate of Oman*, November 6, 1996, Article 12; available at <http://www.oefre.unibe.ch/law/icl/mu00000_.html>. See also U.S. Department of State, *Country Report- 2004: Oman*, Section 6c.

¹² Article 220 of the Penal Code; available at <<http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaOman.asp>>.

¹³ U.S. Embassy-Muscat, *reporting*, February 26, 2006.

¹⁴ U.S. Department of State, *Country Reports-2004: Oman*, Section 6d.

¹⁵ *Oman Labour Law*, Article 2.2.

¹⁶ U.S. Embassy-Muscat, *reporting*, August 21, 2005.

¹⁷ U.S. Embassy-Muscat, *reporting*, August 23, 2004.

¹⁸ *Oman Labour Law*, Article 118. See also FXConverter, [cited March 23, 2006]; available at <<http://www.oanda.com/convert/classic>>.

¹⁹ Ibid.

²⁰ U.S. Embassy-Muscat, *reporting*, August 21, 2005.

²¹ U.S. Department of State, *Country Reports-2004: Oman*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report-2005: Oman*, Washington, DC, June 3, 2005.

²² U.S. Department of State, *Country Reports-2005: Oman*, Section 5.

camel jockeys; however, there have been no substantiated reports of trafficking of foreign children to work as camel jockeys.²³ In August 2005, the Ministry of Sports issued a decree to raise the minimum age of camel jockeys annually by one year until it reaches 18 in 2009. The new decree also makes the wearing of helmets and sportswear mandatory.²⁴ In May 2005, the Ministry of Sports took over the Oman Equestrian and Camel Association in an effort to bring camel racing under more formal supervision and regulatory control. Later that year, a separate federation was formed for camel racing.²⁵ As of January 1, 2006, all camel riders are required to register with the Camel Racing Federation using original identity documentation.²⁶

²³ U.S. Embassy-Muscat, *unclassified telegram no. 276*, February 26, 2006.

²⁴ U.S. Embassy-Muscat, *reporting*, August 8, 2005. *See also* U.S. Embassy-Muscat, *reporting*, August 21, 2005.

²⁵ Oman Camel Racing Federation, Abstract [cited March 3, 2006]; *available at* <<http://www.omancrf.org/eng/index.asp>>. *See also* U.S. Embassy-Muscat, *reporting*, August 8, 2005.

²⁶ U.S. Embassy-Muscat, *reporting*, February 26, 2006.