

Royal Decree No 126 / 2008

Anti-Trafficking Law

We, Qaboos bin Said, Sultan of Oman,

After perusal of the Basic Law of the State issued by Royal Decree No 101 / 96,

Oman Penal Code issued by Royal Decree No. 7 / 74,

Law of Penal Procedures issued by Royal Decree No 97 / 99, and

Pursuant to the requirements of the public good,

Have decreed as follows:

Article I. The provisions of the attached Anti-Trafficking Law shall be in force.

Article II. Whatever contravenes the said Law or infringes its provisions shall be cancelled.

Article III. This Decree shall be published in the Official Gazette and shall be in force as from the next day from the date of its publication.

Issued on 23 Nov. 2008.

Qaboos bin Said
Sultan of Oman

Anti-trafficking Law

Article 1. In application of the provisions of this Law the following terms shall have the meanings indicated against each unless otherwise provided for in the text:

Human Trafficking Crime: :To carry out any of the acts mentioned in Article 2 of this Law.

Exploitation: Illegal use of a person, including prostitution, any form of sexual exploitation, serfdom, forced labour, enslavement, practices similar to slavery, enslavement, or illegal removal of organs.

Minor : Any person, male or female under the age of 18. The age is considered in the Gregorian calendar.

Monies and Properties : Assets in any form, material or moral, movable or fixed, documents or deeds that prove the possession of such assets or any right to them.

Returns : Money or properties obtained as a result of human trafficking crime.

Means : Instruments, tools and media used or meant to be used in committing a human trafficking crime.

Freezing : Temporary ban by order of a competent court on the movement, transfer, exchange or disposal of, or temporarily taking hold of or seizing monies, properties or returns.

Confiscation: Permanent dispossession or deprivation from monies, properties or returns or means by order of a competent court.

**Transnational
Crime:**

A crime committed in more than one country, or committed in one country but prepared for, planned, directed and controlled from another country, or committed in one country by an organized criminal group engaged in criminal activities in more than one country, or committed in one country but its effects involve other countries.

Organized

Criminal Group: Any group of three or more persons that carries out a planned act with the intent of committing a human trafficking crime in order to achieve directly or indirectly a financial benefit or any other material benefit.

Committee: The National Committee for Anti-trafficking in Humans.

Article 2. Any person shall be deemed committing a human trafficking crime if they intentionally or for the purpose of exploitation:

- a. Use, transfer, shelter, or receive a person by coercion, under threat, trick, exploitation of position or power, exploitation of weakness, by use of authority over that person, or by any other illegal means directly or indirectly.
- b. Use, transfer, shelter or receive a minor, even if the means mentioned in the preceding paragraph are not used.

Article 3. No consideration shall be given to the victim's consent in any of the following circumstances:

- a. If any of the means mentioned in Article 2.a. hereinabove is used.
- b. If the victim is a minor.
- c. If the victim is in a circumstantial or personal situation in which their consent or discretion cannot be put into consideration.

Article 4. Whoever participates by instigation, assistance or agreement in the committing of a human trafficking crime shall be deemed culprit.

Article 5. In the investigation or trial of a human trafficking crime, the following procedures shall be taken:

- a. A victim shall be informed of their legal rights in a language that they understand, and be given a chance to state their legal, physical, psychological and social status.
- b. Where a victim is in need of special care or accommodation, they shall be presented to the entity concerned, and shall be, as the case may be, lodged in a medical or psychological rehabilitation centre, a welfare house or a housing centre.
- c. A victim or witness shall be provided with protection as necessary.
- d. By order of the Public Prosecution or a court, as the case may be, a victim or witness shall be allowed to stay in Oman if deemed necessary for investigation or trial.

Article 6. The Public Prosecution may issue an order that all precautionary measures be taken, including the seizure of monies and properties or returns in relation to the human trafficking crime, and any evidence that may help in specifying these monies, properties and returns.

A competent court may order that such monies, properties and returns be frozen until a verdict is issued in the penal case.

Article 7. Without prejudice to secondary, additional or any more severe punishment stated in Oman Penal Code or any other law, the crimes mentioned herein shall be subject to the punishments stipulated herein.

Article 8. Whoever commits a human trafficking crime shall be punished by imprisonment for not less than three years and not more than 7 years, and a fine of not less than five thousand Rials and not more than one hundred thousand Rials.

Article 9. A human trafficking crime shall be punishable by imprisonment for not less than seven years and not more than 15 years, and a fine of not

less than ten thousand Rials and not more than one hundred thousand Rials in any of the following cases:

- a. Where the victim is a minor or one of special need.
- b. Where the culprit carries an arm.
- c. Where the crime has been committed by more than one person.
- d. Where the culprit is spouse of the victim, one of their ascendants, descendants, their guardian or has power over them,
- e. Where the crime is committed by an organized criminal group, or the culprit is a member thereof.
- f. Where the culprit is a public employee or being assigned to public service, and exploited their post in committing the crime.
- g. Where the crime is transnational.
- h. Where because of being exploited in the human trafficking crime the victim becomes mad, contracts AIDS, or suffers an untreatable psychological or organic disease.

Whoever forms, establishes, organizes, manages, holds a leading position in or calls for membership of an organized criminal group, which trafficking in persons is its aim or one of its aims.

Article 10. Where a human trafficking crime has been committed by a juristic person, the established punishment shall be imposed on the person in charge of management of the juristic person if their knowledge of the crime is verified.

The juristic person shall be responsible for the crime if it occurs on their behalf and for their interest, and shall be punished by a fine of not less than ten thousand Rials and not more than one hundred Rials.

Article 11. whoever is aware of the commitment of a crime of trafficking in persons and fails to inform the authorities even if they are in charge of job secrets, shall be punished by imprisonment for not less than six months and not more than three years, and a fine of not less than three hundred Rials and not more than one thousand Rials. The punishment may be waived if the person who fails to report the crime is the spouse, an ascendant or descendant of the culprit.

Article 12. whoever hides one or more persons who took part in a crime of trafficking in persons with the intention of helping them to escape justice, or possesses or hides all or part of the returns of the crime or takes part in hiding marks of the crime while in all cases they are aware of that shall be punished by imprisonment for not less than six months and not more than three years, and a fine of not less than three hundred Rials and not more than one thousand Rials shall be inflicted on

Article 13. A punishment of imprisonment for not less than three years and not more than five years shall be imposed on whoever uses power or threat or promises a benefit to prevent a person from testifying or giving evidence, or to instigate that person not to testify or give evidence, or to give false testimony, or false evidence before any competent authority regarding a crime of trafficking in persons.

Article 14. Where a person is convicted of committing a crime of trafficking in persons, the court shall issue a verdict to confiscate the monies, properties, returns and means used in committing the crime or prepared for this purpose, and the returns thereof.

Without prejudice to the right of other bona fide parties, a verdict to confiscate such monies, properties, returns and means even if they are transferred, exchanged by other monies or their ownership transferred to another person.

Where they are mixed with monies, properties or returns of a legal source, the verdict of confiscation shall only apply to the monies, properties, means, and returns mentioned in the first paragraph of this Article.

In all circumstances the verdict of confiscation shall not be prevented by the expiry of the case by a legal obstacle, like the death of the accused, unless the heirs of the accused prove the legality of the source of the monies, properties and returns.

Article 15. The attempt to commit a crime of trafficking in persons shall punishable by the punishment of a completed crime.

Article 16. Anyone of the culprits who takes initiative and before committal of the crime informs the authorities concerned of what they know about it, and as result of that the crime has been discovered before its occurrence, or its committal not completed, or the perpetrator seized shall be exempted from the punishment stipulated herein for the crime of trafficking in persons.

Where the reporting of the crime takes place after the crime has been discovered, that culprit may be exempted from punishment or the punishment mitigated if the culprit enabled the authorities concerned to arrest the other perpetrators.

Article 17. A victim of trafficking in persons' crime shall be exempted from the fees of the civil procedures they made to claim compensation for the damage caused by their exploitation in the crime of trafficking in persons.

Article 18. The Public Prosecution may permit the sale of the monies, properties, means or returns that are ruled to be confiscated, and deposit the outcome of the sale with the Public treasury, all according to the procedures established by law.

Article 19. The Public Prosecution is responsible for inspecting the refuges of the trafficking in persons' victims to ensure that the judicial rules, decisions issued on them are executed.

Article 20. No rule shall be arrest the execution of the punishment given on a person convicted in a crime of trafficking in persons. The minimum punishment shall not be commuted.

Article 21. In whatever not mentioned in this Law, the Penal Code of Oman, and the Legal Procedures Law shall be applied.

Article 22. A national committee called the '*National Committee for Anti-trafficking in Persons*' shall be established by a council of ministers' decision, and shall be chaired by a minister.

Article 23. The Committee shall be responsible for the following:

1. Set up an action plan to combat trafficking in persons in coordination with the authorities concerned.
2. Coordinate with all authorities concerned in Oman, international agencies and organizations concerned to set up rules and procedures to combat transnational crimes of trafficking in persons.
3. Coordinate with national and international organizations to establish database, which includes international legislations in relation to the trafficking in persons, studies, and the techniques of trafficking and traffickers.
4. Set up care and rehabilitation programmes to help the victims to integrate rapidly with the community.
5. Carry out relevant studies and researches, media campaigns to combat trafficking in persons, and to protect the victims.
6. Suggest rules and procedures to support the border restrictions, control of means of transport, and coordinate in this regard with authorities concerned.
7. Organize training programmes for those involved in the enforcement of this Law.
8. Prepare periodical reports on the trafficking in persons depending on judicial statistics, actions taken on victims, results of the actual application of this Law, proposals and recommendations to consolidate the trafficking in persons' procedures and efforts, and submit such reports to the Council of Ministers.
9. Suggest the amendment of this Law and other relevant laws.
10. Carrying out any other works in the trafficking in persons assigned to the Committee by the Council of Ministers.