

**Royal Decree 126/2008:
Promulgating the Law Combating
Trafficking In Persons**

We, Qaboos bin Sa'id, Sultan of Oman,

After perusal of the Basic Law of the State promulgated by Royal Decree 101/96;

The Omani Penal Code as promulgated by Royal Decree 7/74;

The Criminal Procedures Law as promulgated by Royal Decree 97/99;

And in the service of the public interest,

we decree the following:

Article I: The provisions of the attached law combating trafficking in persons shall apply.

Article II: Anything that contradicts the law or contravenes its provisions shall be rendered null and void.

Article III: This Royal Decree shall be published in the Official Gazette and shall come into effect from the day following the date of its publication.

**Qaboos bin Sa'id
Sultan of Oman**

Issued on November 23, 2008

Law Combating Trafficking In Persons

Article (1): In application of the provisions of this law, and unless the context otherwise provides, the following terms and expressions shall have the meaning ascribed thereto hereunder:

The Crime of Trafficking In Persons: Any of the acts cited in Article (2) of this law.

Exploitation: Illegal exploitation of a person to include: prostitution, sexual assault, servitude, forced labor, enslavement, quasi-slavery practices, subjugation, or illegal detachment of organs.

Child: Any male or female person below eighteen years of age. Age is determined based on the Gregorian calendar

Funds or Properties: Assets of any kind, whether tangible or intangible, moveable or fixed, documents that certify the ownership of, or claim toward such assets.

Proceeds from the crime: Funds and properties obtained as a result of the crime.

Instrument: Equipment, tools, and/or instruments used, or meant to be used for committing a human trafficking crime.

Freezing: The temporary ban, pursuant to an order issued by a special court, imposed on the movement, transfer, exchange, disposal, receipt, or temporary seizure of funds, properties, or proceeds.

Confiscation: The permanent divestiture or deprivation, as imposed by a specialized court, from the funds, properties, proceeds, or the instruments.

Transnational Crime: A crime committed in more than one country, or committed in one country but that has been prepared, planned, directed and/or supervised from another country, or committed in one country by an organized criminal group that practices criminal activities in more than one country, or committed in one country but having its impact extended to another country.

Organized Criminal Gang: Any gang composed of three individuals or more that carries out a premeditated act aimed at committing a human trafficking crime for the sake of achieving direct or indirect financial interest, or any other material gain.

The Committee: The National Committee for Combating Trafficking In Persons.

Article (2): Any individual who intentionally carries out any of the following acts with the purpose of exploitation shall be adjudged as committing the crime of human trafficking:

- a) To recruit, transport, harbor, or receive a person by instruments of coercion, threat, deceit, blackmail, or misuse of power, influence, or use of authority on that individual, or by any other illegal instrument, either directly or indirectly.
- b) To recruit, transport, harbor, or receive a child even without using the instruments cited in the previous paragraph.

Article (3): The consent of the victim shall not be a determining factor in any of the following cases:

- A- If any of the instruments cited in Article (2/a) of this law is used.
- B- If the victim was a child.
- C- If the victim was in a circumstances or a personal situation where it was not possible to determine his/her consent or free choice.

Article (4): Shall be adjudged as a perpetrator any individual who contributed by soliciting, facilitating, or agreeing to commit a human trafficking crime.

Article (5): 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.

Article (6): The Public Prosecution may issue an order to take all necessary precautionary measures including seizure of funds or properties linked to the crime of

trafficking in persons or proceeds resulting from the crime, and any evidence that may identify these funds and/or properties.

The relevant Court may issue an order freezing such funds, properties, and/or proceeds thereof pending the issuance of a verdict on the penal case.

Article (7): Without prejudices to subsidiary or additional punishments, or any other more severe punishment prescribed by the Omani Penal Law, or any other law, crimes cited in this law shall be punished by the stipulated punishments.

Article (8): Any person found guilty of committing a human trafficking crime shall be sentenced to 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.

Article (9): Imprisonment of a minimum term of seven years and a maximum term of fifteen years and a fine of a minimum amount of ten thousand rials and a maximum amount of one hundred thousand rials shall be imposed for the crime of human trafficking in any of the following cases:

- A- If the victim was a child or a person with special needs.
- B- If the perpetrator carried a weapon.
- C- If the crime was committed by more than one person.
- D- If the perpetrator was the spouse, parent, grandparent, child, grandchild, or guardian of the victim, or had authority over him/her.
- E- If the crime was committed by an organized criminal gang, or if the perpetrator was a member of such a gang.
- F- If the perpetrator was a public sector employee or designated to perform a public service and misused the position to commit the crime.
- G- If the crime was transnational in nature.
- H- If the victim has suffered insanity, AIDS, or any other irreparable psychological or physical disease or injury, as a result of being exploited in a human trafficking crime. The same punishment shall be imposed on anyone found guilty of the formation of, establishment of, organizing, administering, assuming a leading role in, or soliciting members for an organized criminal gang, aimed at committing the crime of human trafficking as its sole objective or as one of its objectives.

Article (10): If the human trafficking crime was committed by a legal entity, the prescribed punishment shall be imposed on the individual responsible for running the legal entity, if that individual is proved to be aware of the crime.

The legal entity shall be responsible for the crime if it was committed under its name or for its own interests. The legal entity shall then be punished with a fine of a minimum amount of ten thousand rials and a maximum amount of one hundred thousand rials.

Article (11): Any person who became aware of the crime of human trafficking and did not report it to the concerned authorities, regardless of whether he/she was responsible for professional confidentiality, shall be sentenced to imprisonment of a minimum term of six months, and a maximum term of three years, and a fine of a minimum amount of three hundred rials, and a maximum amount of one thousand rials. The person who refrains from reporting may be pardoned from the punishment if he/she was a spouse, parent, grandparent, child or grandchild of the perpetrator.

Article (12): Any person who provides shelter for a person/s involved in a human trafficking crime with the aim of assisting them to escape from justice while being aware of their involvement, possessed or hid all or some of the criminal proceeds, or contributed to hiding the signs of the crime, shall be sentenced to imprisonment for a minimum term of six months, and a maximum term of three years, and a fine of a minimum amount of three hundred rials, and a maximum amount of one thousand rials.

Article (13): Any person found guilty of using force, threatening, or promising a reward in order to prevent a person from testifying, or presenting evidence, or in order to coerce a person into presenting a false statement, or presenting incorrect evidence related to a human trafficking crime before the concerned authorities, shall be sentenced to imprisonment of a minimum term of three years, and a maximum term of five years.

Article (14): In case a person was found guilty of committing a human trafficking crime, the Court shall issue an order to confiscate the funds, properties, the instruments used in committing or set ready for committing the crime, and the proceeds generated thereof. The Court shall issue an order to confiscate these funds, properties, proceeds, and instruments even if they are transferred into, or exchanged for other funds, or transferred to the possession of another person, without violating the rights of a person acting in good faith.

If they are mixed with other funds, properties, or proceeds of a legal source, only the funds, properties, instruments, and proceeds cited in the first paragraph of this article shall be liable for the confiscation ruling.

In all circumstances, the confiscation ruling shall not be impeded by a legal hindrance such as the defendant's death, unless his/her inheritors prove that the source of the funds, properties, and proceeds was legitimate.

Article (15): Attempting to commit a human trafficking crime shall be punished with the same punishment imposed on the full crime.

Article (16): Every perpetrator who speedily reported to concerned authorities what he/she knows before the crime was committed, hence leading to discovering the crime, arresting the perpetrator/s-to-be, and preventing its occurrence shall be relieved of the punishment imposed on human trafficking crime, as prescribed in this Law. If the reporting happened after discovering the crime, he/she may be pardoned by waiving, or reducing the punishment if the perpetrator enabled the authorities, during the investigation, to detain the other perpetrators.

Article (17): A victim of a human trafficking crime shall be exempted from paying the fees of the civil suit he/she files to claim compensation for the damages resulting from being abused in a human trafficking crime.

Article (18): Public Prosecution has the permission to sell the funds, properties, instruments, or proceeds liable for confiscation, and to deposit the revenue to the state's treasury, in accordance with the prevailing legal procedures.

Article (19): The Public Prosecution shall be entrusted with inspecting the places of accommodation for victims of a human trafficking crime in order to ensure the implementation of issued court verdicts and orders.

Article (20): No ruling shall be issued to stay a punishment issued against a convict in a human trafficking crime. It is also not possible to go below the minimum limit of the prescribed punishment.

Article (21): Should there be no specific provision/s covering a specific case, the provisions of the Omani Penal Code or the Omani Criminal Procedures Law shall apply.

Article (22): A committee, called (The National Committee for Combating Trafficking in Persons) shall be established by a Cabinet decision, and should be under the chairmanship of a minister.

Article (23): The committee shall be tasked with the following:

- 1 - To set up, through coordination with concerned parties, an action plan for combating human trafficking.
- 2 – Coordinate with all concerned authorities in the Sultanate and relevant international organizations to set up measures and procedures capable of combating transnational human trafficking crimes.
- 3 – Establish a data base through coordination with local, as well as regional and international bodies, to include related international legislation, studies, and methods of trafficking and traffickers.
- 4 – Set up care and rehabilitation programs for the victims enabling them to be quickly reinstated in the community.
- 5 – Conduct relevant studies and research, carry out media campaigns for combating trafficking in persons and protecting the victims.
- 6 – Propose rules and regulations to enhance border control and supervision over means of transportation, in coordination with concerned authorities.
- 7 – Organize and conduct training programs for those involved in enforcing this law.
- 8 – Draft periodic reports on human trafficking based on court statistics, verdicts issued against perpetrators, results of the practical enforcement of this law or related procedures, and measures approved by the committee, and the committee’s proposals and recommendations enhancing the procedures and efforts to combat human trafficking. These reports shall be submitted to the Council of Ministers.
- 9 - Suggest amendments to this law, as well as other relevant laws.
- 10 – Carry out any other tasked duties in the field of human trafficking, as designated by the Council of Ministers.