

Oman - United States Department of State

OMAN: Tier 2

The Government of Oman does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Oman remained on Tier 2. These efforts included identifying and referring to care more trafficking victims and overturning policy that historically precluded victims from self-reporting to the government-run shelter for protective services. For the first time, officials convicted Omani nationals for trafficking crimes and sentenced them to significant prison time. Additionally, the government stated its decision to rescind the employer-controlled “no objection” certificate (NOC), a move that will allow individuals to seek new employment without employer approval and reduce their vulnerability to potential labor trafficking crimes. Authorities also developed and executed an addendum to the national action plan. However, the government did not meet the minimum standards in several key areas. The government generally continued to process potential labor trafficking cases through mediation in labor courts without investigating them as potential trafficking crimes, which undermined criminal accountability and victim care. Although the government initiated prosecution of one labor trafficking case, it did not convict any perpetrators of labor trafficking crimes, though the issue of forced labor remained a significant problem. While Oman stated its decision to reform the sponsorship system, the system continued to exacerbate expatriate workers’ vulnerabilities to forced labor and enable employers to penalize victims who fled forced labor circumstances.

PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers for forced labor offenses, including by investigating indicators of potential trafficking crimes in enforcement of labor law violations. • Finalize, implement, and train officials on formal procedures to proactively identify and refer to care male and female trafficking victims among vulnerable populations, such as migrant workers, people in commercial sex, and North Korean laborers whom the North Korean government may have forced to work. • Undertake serious efforts to prevent penalization of trafficking victims by screening for victimization among vulnerable groups, such as those arrested for immigration violations or prostitution or who flee abusive employers and face deportation. • Expand labor law protections to, and enforce legal protections for, domestic workers. • Widely implement initial changes to the sponsorship-based employment scheme that renders expatriate workers vulnerable to exploitative labor, and build upon the reforms by removing the exit permit requirement for all laborers. • Disseminate to stakeholders the decision that now allows potential victims the option to self-refer to protective services, and amend the provision that stipulates they can only reside in the shelter long-term if they file charges against, or there is a corresponding prosecution of, an alleged offender. • Impose dissuasive penalties on employers who withhold their employees’ passports. • Increase utilization of the specialized unit to prosecute trafficking crimes. • Continue to expand trainings for officials involved in criminal

investigations and for hotline operators to ensure accurate characterization of trafficking crimes. • Fully implement the national action plan. • Expand the *Ehsan* national public awareness campaign.

PROSECUTION

The government demonstrated uneven law enforcement efforts and continued to focus disproportionately on sex trafficking versus labor trafficking crimes during the reporting period. Oman's 2008 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of three to seven years' imprisonment and a fine between 5,000 and 100,000 Omani rial (\$12,990-\$259,740) for offenses involving adult victims and seven to 15 years' imprisonment and a minimum fine of 10,000 Omani rial (\$25,970) for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Ministry of Manpower (MoM) circular No.2/2006 prohibited employers from withholding migrant workers' passports but did not specify penalties for noncompliance.

The public prosecutor maintained a specialized anti-trafficking unit and reported handling four of the alleged trafficking cases during the reporting year. In 2019, the government reported investigating seven alleged human trafficking cases—one forced labor case and six sex trafficking cases—compared with 11 cases investigated during the previous reporting period. Authorities prosecuted all 26 suspects in the seven cases under the anti-trafficking law, including one criminal forced labor charge. During the prior year, the government did not report how many defendants it prosecuted but only that it initiated criminal proceedings against five of 11 cases. The government achieved seven sex trafficking convictions—down from 15 in 2018—under the anti-trafficking law, three of which stemmed from outstanding cases stymied in the courts in previous years. For the first time, the government convicted two Omani nationals of trafficking. Officials sentenced all defendants to imprisonment ranging from three to five years and fines from between 5,000 to 10,000 Omani rial (\$12,990 to \$25,970). The government planned to deport and impose reentry bans on the five non-Omani convicted traffickers upon completion of their sentences. According to labor-sending country diplomats, law enforcement personnel continued to treat forced labor cases as labor law violations rather than criminal offenses, without referring victims to trauma-informed care and investigating only tangible evidence to build trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. Anecdotal reports alleged police officers sometimes informed Omani sponsors if their runaway domestic workers filed charges of trafficking or related crimes against them.

The government continued efforts to address passport retention. The MoM reported investigating 95 total passport retention cases in 2019, compared with 120 cases the year prior. However, dissimilar to 2018, officials did not report how many such cases it investigated as potential trafficking crimes or if it referred any to the labor or criminal courts, though the entity did resolve 19 of the 95 cases. Analogous to the previous year, the government did not provide data on its expenditure for trafficking-related trainings in 2019. However, it facilitated and provided in-kind auxiliary and monetary support for eight anti-trafficking trainings for more than 780 officials from the justice, police, and labor regulatory sectors during the reporting year. High-ranking officials also attended Bahrain's inaugural

intergovernmental forum on combating trafficking in the Middle East, where they committed to region-specific reforms to include the notorious *kafala* sponsorship system. Finally, the government collaborated with an international organization to develop and conduct topical trainings for government entities and civil society representatives. The Royal Oman Police (ROP) training academy continued to educate all incoming cadets on the legal framework for trafficking and related crimes, victim identification, and mechanisms for transferring potential cases to court, and reached 500 new Omani officials during the year.

PROTECTION

The government increased efforts to protect victims, strengthening institutional capacity to care for vulnerable populations; however, existing policy limited shelter stays to victims with cases under active investigation. The government reported identifying 25 trafficking victims during the reporting period, a marked increase from 10 the previous period. It referred 15 of these 25 victims to its government-operated shelter in Muscat. The government lacked formalized identification and referral procedures, though at the close of the reporting period it began review of a draft standardized mechanism. In practice, officials reactively referred some victims identified as part of ongoing police investigations to the Ministry of Social Development (MoSD) for shelter placement and medical and psychological services. The MoM could theoretically identify potential victims and refer their cases to the ROP. Officials in other government sectors referred self-identified victims first to the police rather than directly to the MoSD for shelter placement. Breaking from historic policy that victims could only obtain government-provided services if they filed cases with the public prosecutor who would then issue a referral for them, in February 2020, the government authorized all potential victims to self-report to the shelter and receive protective services. However, it still stipulated that long-term shelter stays must coincide with active trafficking investigations. Some source-country embassies in Oman reportedly offered victim services for their nationals.

As the labor law did not adequately cover domestic workers, authorities continued to treat some potential domestic servitude cases as labor violations and did not report identifying potential victims of domestic servitude. Due to the government's increasing efforts to provide victim identification training, however, some officials became more proficient at screening for potential sex trafficking victims, particularly among women in commercial sex. Employers could compel foreign workers, whose legal status remained tied to their employers, to work for lower or no wages under the credible threat of deportation. Labor regulations continued to require an employer to provide an NOC to a foreign employee to seek a job with a new employer in Oman. However, in February 2020, officials reported that the government would abolish or amend Article 11 of the Foreigners Residence Law, which would rescind the NOC requirement for employees to seek new employment. Furthermore, senior levels of government concurred and provided relevant ministries with instructions to commence implementation of this new policy shift at the conclusion of the reporting period.

During the reporting period, the government allocated 198,130 Omani rial (\$514,620)—on par with the previous year—for accommodations and victim care at its permanent shelter, which could lodge up to 50 women and child victims of forced labor, sex trafficking, or other types of abuse. The shelter provided room and board, psychological counseling, legal support, monetary stipends, recreational opportunities, rehabilitation activities, resiliency training, and medical care to

victims. Shelter administrators interfaced with judicial officials to keep victims regularly informed of the status of their legal cases. Shelter policy dictated that victims could depart the premises only with a chaperone. As in previous years, the government did not provide shelter services for any male victims during the reporting period, though the MoSD reported preparation of a dedicated section of the facility to house male victims. The government offered complimentary repatriation services to victims with initiated court proceedings who did not want to remain in-country. Officials permitted and encouraged some victims to stay in Oman for the duration of court proceedings against traffickers. Officials reportedly encouraged other victims to reach extrajudicial settlements for the sake of expediency. The government did not allow participating victims the chance to work or leave the shelter in the interim, and protracted court cases coupled with prolonged unemployment disincentivized victims from participating in trials. The national anti-trafficking committee upheld the tenets of its memorandum of understanding (MOU) with a local association to provide pro bono assistance to trafficking victims involved in court proceedings, to include seeking damages on behalf of trafficking victims and pursuing labor claims via MoM mediation. Although the government could facilitate new sponsorship for expatriate laborers, most cases during the year ended with aggrieved workers unable to switch employers, reaching administrative settlements with their former employers, and subsequently returning to their home countries. The government provided foreign victims with legal alternatives to removal to countries in which they may face retribution or hardship, to include alternate employment under another sponsor; however, it did not report if any victims benefited from this policy during the year.

PREVENTION

The government demonstrated increased efforts to prevent trafficking, including by beginning rescission of the employer-controlled NOC to allow individuals to seek new employment and reduce their vulnerability to forced labor—a notable first step to reform its problematic sponsorship system. During the reporting period, the Council of Ministers approved a supplement to Oman's 2018-2020 national action plan that added significant action items for each governmental stakeholder, such as the operationalization of the referral mechanism, establishment of new shelters outside Muscat, and enactment of a new domestic worker law, among other critical tenets. The National Committee to Combat Human Trafficking (NCCHT) met regularly during the year to recommend modifications to and fortify the efficacy of this plan. In partnership with an international organization, the NCCHT funded, organized, and conducted a three-day symposium for government officials, civil society stakeholders, and members of the diplomatic community on various trafficking topics highlighted in Oman's expanded national action plan, reaching more than 100 participants on the frontlines of anti-trafficking work. The NCCHT reported that, in the past year, the MoM held 23 seminars to raise awareness of labor law considerations such as passport retention, contractual integrity, direct deposit of wages, and overtime compensation. More than 3,000 human resources managers attended these seminars. Officials published 18 articles in the local press to raise public awareness about trafficking, and produced a periodical that included a section dedicated to trafficking during the year. Subject-matter experts from key government entities were generally active in the press, on the radio and television, and during Friday prayers at mosques to generate awareness of the crime to diverse target audiences. The NCCHT was reportedly in the process of expanding its national awareness campaign, entitled *Ehsan*, to include a social media presence,

and collaborated with the Ministry of Information to promulgate it across the Sultanate.

The Ministry of Foreign Affairs (MFA) continued to fund an international trafficking expert to advise and assist interagency entities in carrying out victim-centered investigations, devising legislative improvements, and enhancing information-gathering techniques. The police maintained the government's central trafficking hotline and displayed its phone number on social media posts and news articles pertaining to trafficking. Officials did not report how many calls the police hotline received or if any resulted in trafficking investigations. The MoM had a labor violation hotline, which it promoted in its video on workers' rights and responsibilities, and the MoSD operated one that served as an all-purpose helpline. All hotlines reportedly remained active year-round, 24 hours per day and were staffed with Arabic and English interpreters; Urdu, Hindi, and Bangla-speaking contractors were on call. The government reported having MOUs regarding migrant workers with Iran, India, Bangladesh, Sri Lanka, Vietnam, Syria, the Palestinian Authority, Egypt, and Morocco; some included articles prohibiting unlawful labor recruitment and trafficking. Oman was signatory to a Gulf Cooperation Council-wide labor agreement with the Philippines. The government also began introductory discussions with India to implement an MOU to combat trafficking and share trafficking-related information.

In February 2020, the government declared its intent to migrate fully from a sponsorship (*kafala*) system to a contract-based employment system and eliminate the NOC permission that historically employees required to seek new employment. During the reporting period, the Council of Ministers instructed relevant ministries to implement these reforms. Additionally, the MFA instituted a specialized human trafficking unit to coordinate entities with trafficking responsibilities or a related nexus, and serve as a focal point and liaison for all communiques and advisories. During the previous reporting period, the MoM issued a ministerial decision stating a company must prove it has paid the past three months of an employee's salary before filing a complaint to charge an expatriate employee with "absconding." The ministerial decision stipulated that, if a company files more than five complaints in a month or more than 10 in a year, it will be subject to increased inspections to ensure it is complying with local labor laws. If the company is noncompliant with local labor laws, the MoM will suspend it. The ministerial decision also created protections to prevent employers from firing employees while on leave or otherwise absent from work. During the reporting period, authorities increased inspections from 3,593 to 5,629 establishments to ensure compliance with labor law provisions, screen for trafficking indicators, and build awareness against forced labor and exploitative practices among the migrant workforce; from these efforts, it did not report referring any cases to the courts for administrative or criminal proceedings or referring any victims to care. The MoM also investigated 3,855 labor disputes and resolved 13,047 (including disputes initiated in previous years). The government did not report any efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Oman. Oman's migrant worker community hails primarily from Bangladesh, India, Pakistan, the Philippines, Sri Lanka, Nepal, and some African countries. Largely as a result of "Omanization," a series of labor-related policies designed to prioritize Omanis for employment over expatriates, the number of migrant workers in Oman

declined in 2019, continuing a trend and effectively reducing the pool of vulnerable third-country residents in Oman. Attesting to this effect, Oman's National Center for Statistics and Information reported the number of expatriates working in the "family" sector declined by 2.8 percent during the year. Trafficking victims typically migrate to Oman willingly and legally. Men generally seek employment in construction, agricultural, and service sectors, while women often seek domestic worker jobs. Male victims are typically from South Asia and more vulnerable to forced labor. Traffickers exploit female victims, predominantly from South, Southeast, and East Asia and East Africa, in forced labor and sex trafficking. Domestic workers who flee their employers are also vulnerable to sex trafficking. North Koreans working in Oman may have been forced to work by the North Korean government.

Expatriate workers seeking low-wage jobs continue to be at risk for trafficking under the *kafala* or visa-sponsorship employment system in Oman, which grants individuals' recruitment agencies and/or Omani visa sponsors significant unilateral control over their ability to change employers or leave the country. Although nascent reform of the sponsorship system began during the reporting period, this system continues to give employers the power to dictate the status of residency permits. Some unscrupulous recruitment agencies in Oman and their sub-agents in labor-sending countries mislead migrant workers in their respective countries of origin by providing fraudulent contracts with fictitious wages and charging exorbitant recruitment fees. Some victims face working conditions significantly worse than recruiting agencies had promised. Traffickers subject some of these workers to employment practices that constitute forced labor, to include excessive work hours, passport confiscation, non-payment of wages, food deprivation, and psychological and sexual abuse. Conversely, other workers enter Oman with full knowledge of their work obligations, but sponsors ultimately coerce them to work for little or no pay or in dire conditions under the credible threat of deportation. Anecdotally, during the reporting period more workers arrived in Oman on tourist visas or by first traveling to the United Arab Emirates (UAE) while willing employers secured their Omani work visas, thereby circumventing the protective oversight of workers' home governments. Additionally, some victims originally intend to travel to the UAE but are subsequently compelled to accept work in Oman, or vice-versa. Traffickers often begin recruitment in labor-sending countries with some promising retail jobs in well-known areas, such as Dubai. After arriving in the UAE, traffickers transport the migrant laborers into Oman and force them to work for lower wages and in austere conditions in the absence of legal contracts. Informal labor intermediaries operate legally but without regulation in Oman, communicating anonymously via social media platforms to promise Omani sponsors inexpensive domestic labor at a fraction of the cost stipulated by the formal, well-established recruitment agencies.