**OHRC Response to the Questionnaire on the Right to Adequate Housing: Criminalization of Homelessness and Poverty**

The State has ensured a decent life for citizens, and has sought to provide support and facilities for the most vulnerable groups. The Basic Law of the State promulgated by Royal Decree No. (6/2021) stipulates in the social principles that: “... The State shall guarantee to citizens social insurance services and extend assistance in situations of emergency, illness, disability, and old age, in accordance with the provisions of the law....”. Based on this law, the Social Protection Law promulgated by Royal Decree No. (52/2023), was introduced to provide services to all groups of society while safeguarding the dignity of people against the scourges of homelessness and poverty. This law entitles individuals to social protection and social insurance benefits, thereby securing financial support for each group of society, especially the most vulnerable groups. The law encompasses provisions for the benefit of the elderly, persons with disabilities, orphans and widows, children, families in need of income support, first-time job seekers, and mothers during maternity. Furthermore, it encompasses social insurance coverage for the elderly, disability and death benefits, workplace injury and occupational disease insurance, job security insurance, sick leave and casual leave insurance, maternity leave, and social health insurance.

* Begging:

Recognizing the gravity of the beggary phenomenon within society, the Omani legislator has sought to combat and curtail its proliferation through the establishment of laws and regulations that prohibit the act of begging. Furthermore, these laws prohibit the practice of soliciting funds from individuals without adherence to a system. It is worth noting that such acts may subject numerous individuals to deception and fraudulent activities. Consequently, the Omani legislator has deemed the act of soliciting funds from the public without prior permission from the relevant competent entity a criminal offense, subject to legal penalties. This measure protects the rights of individuals and prevent their exploitation in such cases.

The act of begging has been criminalized in the Penal Code promulgated by Royal Decree No. (7/2018), as per Chapter III of Part Eight- the second book titled "Crimes Affecting Religion, the Family, and Society." Additionally, Chapter IV addresses the criminalization of collecting money from the public without the requisite license. Article (297) pertains to the criminalization of begging and stipulates as follows: "Any individual found engaging in begging within mosques, streets, public or private areas or shops, shall be subject to legal sanctions, encompassing a prison term ranging from a minimum of one month to a maximum of one year, and/or a fine amounting to no less than 50 Omani Rial and not exceeding 100 Omani Rial. Moreover, the court may confiscate the money of the offender at the time of apprehension. Should the convicted individual persist in the act of begging, he shall be imprisoned for a duration ranging from a minimum of six months to a maximum of two years. However, an exemption from punishment is extended to those who can substantiate that they were compelled to beg or incapable of earning money and possess no alternative sources of livelihood. In all cases, a foreign beggar may be deported from the country.”

The law also criminalized the exploitation of children in the practice of begging, as it stipulated in Article (298) that: "Any person who employs a minor or transfers a minor to others with the intent of engaging in begging shall be subject to imprisonment for a duration of no less than three months and no more than three years, and/or a fine ranging from a minimum of 50 Omani Rial to a maximum of 100 Omani Rial. The penalty stipulated in the aforementioned paragraph shall be doubled if the perpetrator holds the status of a guardian, legal custodian of the minor, or has been entrusted with the responsibility of supervising or caring for the minor."

The law also criminalized the act of collecting money from the public without obtaining prior permission from the competent entity, pursuant to Article (299) which stipulates that: "Any person who solicits donations or gathers funds from the public through any means without obtaining the requisite license from the competent entity shall be imprisoned for a duration of no less than one month and no more than three months. In addition, a fine shall be imposed, amounting to no less than 200 Omani Rial and not exceeding 600 Omani Rial. Alternatively, either of these penalties may be imposed. Furthermore, the court may confiscate the money acquired. Moreover, should the offense recur, the prescribed penalty outlined in the preceding paragraph may be increased, provided that it does not surpass a twofold increase." The legislator has formulated this text with the explicit aim of combating begging, exploitation, fraudulent activities, and others. To organize the process of collecting money, a system has been established to allow any individual intending to collect money from the public to seek permission from the competent entity, as delineated in the aforementioned article and in accordance with specified guidelines outlined in the decision issued by the responsible authority (the Ministry of Social Development). This framework is based on the Ministerial Decision No. (53/2010) issuing a regulation of the conditions, rules and procedures for granting licenses to collect money from the public.

* **Sleeping in Public Places:**

### The Basic Law of the State (6/2021) guarantees the right of citizens to a decent life, including the provision of social insurance services, as Article (15) stipulates that: "The State shall guarantee to citizens social insurance services and extend assistance in situations of emergency, illness, disability, and old age, in accordance with the provisions of the law.” To further enhance the right to adequate housing for certain segments of the citizens, the Social Housing Law No. (37/2010) was enacted. This law serves to facilitate the acquisition of housing units, housing assistance, or housing loans, in accordance with the conditions and controls stipulated within the executive directives outlined in the Social Housing Law No. (6/2011) and its amendments. Furthermore, a special department concerned with social housing has been also established in the Ministry of Housing and Urban Planning. For instance, the housing assistance program aims at providing aid to individuals with modest incomes, as defined by the law, encompassing those whose monthly earnings do not surpass 300 Omani Rial, as well as families covered by the social security coverage. This form of assistance entails the provision of a one-time cash grant, which serves as a gift and is not subject to repayment. Its intended purposes encompass the construction of a new house or the renovation and enhancement of an existing house.

Consequently, through the OHRC follow-up, these laws have been demonstrated to be effective and applied. The government remains steadfast in its commitment to guaranteeing the availability of adequate housing for both its citizens and residents. Furthermore, it prevents the emergence of homelessness in its traditional sense, which entails the complete absence of housing and a permanent place of residence. In cases where citizens

and residents find themselves affected by natural disasters or other circumstances resulting in the loss of their housing, the State is committed to providing alternative housing or facilitating the restoration of their damaged houses. The right to adequate housing is regarded as a fundamental human right, guaranteed by the State.

* **Sale in Public Places:**

Regarding the criminalization of selling in public places, and as part of the oversight carried out by the OHRC, the Ministry of Commerce and Industry issued a regulation governing the activities of hucksters, as delineated in Decision No. (241/2016). This regulation mentions the relevant responsible authorities, along with the conditions for obtaining a license to engage in such activities. Additionally, the decision outlines a set of proscribed actions for hucksters, accompanied by a stipulation of violations and corresponding administrative fines in the event of non-compliance with the provisions stipulated in the decision. Hence, the OHRC affirmed that the State does not criminalize the act of selling goods in public places.

* **Sex Work:**

With regard to sex work, the Penal Code (7/2018) criminalizes acts of prostitution and debauchery and stipulates the punishment of any person who commits any of these acts, as **Article (253) stipulates that:** "Any individual discovered inciting passersby to engage in prostitution or debauchery through verbal communication, gestures, or any other means in a public place shall be imprisoned for a duration no less than six months and no more than one year." **Article (254)** also stipulates that: “Any individual who incites, lures, persuades, seduces, or aids another person by any means to engage in prostitution or debauchery, resulting in the commission of such an act, shall be imprisoned for a duration no less than three years and no more than seven years. In cases where the crime is committed through coercion, threats, deception, or if the victim is under the age of 18 years, or if the perpetrator is one of the victim's relatives, caretakers, or holds authority over them, the prescribed penalty shall be heightened to a maximum imprisonment term of ten years". Additionally, the law criminalizes the provision of facilities for engaging in prostitution and other activities related to prostitution and debauchery, as well as profiting from the earnings of others involved in prostitution, as **Article (255)** stipulates that: " Imprisonment for a term not less than one year and not exceeding three years, in addition to a fine of no less than 500 Omani Rial and not exceeding 1,000 Omani Rial, shall be imposed on the following individuals:

(a) Those who prepare or manage a place for prostitution or debauchery, or provide assistance in its establishment or management.

(b) Owners of houses or shops, or those responsible for their management, who intentionally lease or rent the same for use in prostitution or debauchery.

(c) Individuals who intentionally work or reside in a place designated for prostitution or debauchery.

(d) Those who derive their livelihood, in whole or in part, from the earnings generated by others engaged in prostitution or debauchery under their protection or control.

Furthermore, individuals apprehended in a place intended for prostitution or debauchery, with the intent to engage in such behavior, shall be imprisoned for a duration ranging from a minimum of one month to a maximum of one year. In all cases, the place shall be subject to closure. The practices of prostitution and debauchery to obtain wages have also been criminalized by the legislator, as **Article (256) stipulates that: “**Individuals who engage in prostitution or debauchery for financial gain, without distinguishing, shall be imprisoned for a duration ranging from a minimum of one year to a maximum of three years.”

* **Laws or Regulations Regarding the Detention or Imprisonment of Individuals Unable to Pay Fines for Minor Offenses:**

The Basic Law of the State promulgated by Royal Decree No. (6/2021) included many principles that promote the right to a fair trial, such as the principle of “No Crime or Punishment Without Legal Provision”, as stated in Article (26) thereof stipulates: “There shall be no crime or punishment without legal provision, no penalty shall be imposed for acts committed after the issuance of the law, and the punishment shall be personal. “

The Civil and Commercial Procedures Law, as established by Royal Decree No. (29/2002), addresses the issue of debtor imprisonment within Articles 418 to 426. The legislator establishes a distinction between debtors who are insolvent and those who are financially capable. As per Article 425, in the case of an insolvent debtor, the court has the authority to revoke the detention order if his insolvency is proven, under the following circumstances:

(a) If the creditor has provided written consent for the cancellation of the order.

(b) If the debt adjudged is paid or if the debtor's obligation, which led to the detention, vanishes for any reason.

(c) If the debtor presents a financially capable surety or an acceptable guarantee approved by the prevailing party.

(d) If there is substantial evidence demonstrating the debtor's insolvency.

The release of an insolvent debtor, upon establishing their insolvency, does not preclude the possibility of the creditor requesting a new detention order should it be demonstrated to the court that the debtor has become able to fulfill the obligations imposed by the judgment.

The Code of Criminal Procedure promulgated by Royal Decree No. (97/99) includes provisions in Chapter VI pertaining to the settlement of required amounts. Specifically, the law mandates that the Public Prosecution shall inform the convicted party of the amounts owed to the state as fines, unless these amounts have already been determined in the judgment, in accordance with Article (317). Furthermore, the legislator has authorized the collection of such amounts based on the system of the taxes and fees collection , as outlined in Article (318). As per Article(319), in instances where the financial resources of the convicted party are insufficient to cover the required amounts, such amounts shall be distributed to entitled parties in accordance with the order mentioned in the Article, as it stipulates that: “If fines, restitution amounts, and damages have been determined by the court, but the funds of the convicted party are insufficient to cover all of the required amounts, the recovered amount shall be distributed among the entitled parties in the following sequence:

1. Fines and expenses.

2. Amounts due to the state in the form of restitution and compensation.

3. Amounts owed to the plaintiff related to the civil right."

When an individual is detained and sentenced solely to a fine, the fine amount shall be reduced by five Omani Rials for each day spent in detention during the execution of the sentence. As per the provisions detailed in Article (320), in cases where an individual is sentenced to both imprisonment and a fine, and the duration of pretrial detention exceeds the imprisonment term specified in the sentence, the fine shall be reduced by the same amount, i.e. five Omani Rials, for each day of the surplus period. In exceptional cases, a convicted party may request a deferral of payment or the option to pay in installments, provided that the total payment period does not exceed one year, in accordance with Article (321).

The legislator has authorized the use of physical coercion to enforce the collection of fines and amounts owed to the state. The duration of this coercion or detention is calculated at one day for every five Omani Rials. Furthermore, the legislator has imposed a maximum limit for the period of coercion or detention, which may not exceed six months, in accordance with the provisions outlined in Article (322). Furthermore, the use of physical coercion shall conclude when the amount equivalent to the period the convict would have spent in coercion becomes fully paid, as specified under the provisions of Article (324). Additionally, the legislator has allowed for the substitution of the penalty of physical coercion with work in one of the units of the state's administrative apparatus, as Article (326) states that: "The convicted party may request, at any time before the issuance of the physical coercion order, to be assigned manual or industrial work within one of the units of the state's administrative apparatus, without any remuneration, for a duration equal to the period of coercion initially imposed. The specific work assignment shall be determined by a decision from the Public Prosecutor. The daily work period shall not exceed seven hours.
However, if the convicted party is absent from his assigned job without an acceptable excuse or fails to perform it satisfactorily, the sentence of physical coercion shall then be executed.”

Furthermore, under the oversight of the OHRC, the legislator periodically issues a number of supreme orders to release a group of prison inmates convicted in various cases, including those serving sentences for minor infractions or fines. Additionally, numerous charitable initiatives have been established by civil institutions and individuals to pay the fines of insolvent prisoners, with the aim of fostering the principle of community solidarity.

In accordance with the OHRC ongoing monitoring and in confirmation of the provisions outlined in the Social Principles of the Basic Law of the State, promulgated by Royal Decree No. (6/2021), which state: "... The State shall guarantee to citizens social insurance services and extend assistance in situations of emergency, illness, disability, and old age, in accordance with the provisions of the law....". Furthermore, as per the Social Protection Law, promulgated by Royal Decree No. (52/2023) which provides social insurance services to all segments of society and safeguards the dignity of individuals who are at risk of homelessness or poverty by granting them entitlements to benefits related to social protection and social insurance, the state's policy, both historically and currently, is oriented towards facilitating the social integration of poor individuals, particularly those vulnerable to homelessness. Instead of resorting to penalties, criminalization, or detention, the primary focus is on addressing the root causes and creating opportunities to improve their living conditions and ensuring the right to a decent life.