



# Improving Child rights in the Gulf: Expectations from the brand-new child law of Oman



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## ABSTRACT

Located in the Arabian Peninsula, Oman has a unique place in the improvement of its citizens' life standards, including the recent child law projected by its Renaissance movement. The new law was issued on May 19, 2014—however, no reactions on expectations have been documented. In Oman, the main source for early childhood teachers is the Sultan Qaboos University (SQU) and graduates from the Early Childhood Education Department (ECED) are also expected to act as advocates for child rights in all sectors of the society. In light of these groups' prominence in advocacy efforts, it is important to understand their perspectives on changes in the law that could affect a child's life. This research study aimed to gain a better understanding of early childhood pre-service teachers' expectations of Oman's new child law. In addition, a detailed background on child rights and the new child law is offered here. The selective sampling method was deployed in this study—participants were 25 SQU students from ECED. Qualitative research methods were used. Findings showed that expectations of the new child law are abundant, yet a few concerns remain. Findings are discussed and recommendations for policy makers are made.

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## 1. Introduction and background

### 1.1. Introduction

The Sultanate of Oman is an Arab-Muslim country situated in the southeastern part of the Arabian Peninsula and neighboring Saudi Arabia and the United Arab Emirates on the north, Yemen on the west, the Arabian Sea on the south, and the Gulf of Oman on the East with a population of 3,992,7092,260,552 of whom are Omani and 1,732,157 are expatriates (National Center for Statistics & Information, 2014). The Sultanate's major natural income is derived from two underground resources: oil and natural gas. According to the U. S. Central Intelligence Agency (2014), 50.3% of the country's population is below the age of 24 and the median age is 24.9. Meanwhile, 30.4% of Oman's population is at the age of 14 or less. These quick statistical facts stimulate the image of the country as a young populated country. Once His Majesty, Sultan Qaboos bin Said, came into power in 1970, he took several initiatives and set off the Renaissance that has led to great efforts to improve the different aspects of life standards in the country. For example, before 1970, only three formal schools existed in the entire country and only male students were admitted to them; today, 1052 public schools enroll 563,236 students of both genders (Oman Cultural Office, n.d.).

Similar efforts have taken place in the field of child rights. For example, Oman ratified the United Nations Convention on the Rights of the Child (UNCRC) on December 9, 1996 by Royal Decree No. 54/1996 (UN Committee on the Rights of the Child, 2000), which was considered

a milestone for children's rights in the country. However, the Omani government refused to enact provisions that would contradict with Islamic Law, as did other Gulf countries such as the United Arab Emirates (UN Committee on the Rights of the Child, 2001). For instance, Article 21 on adoption issues has not been ratified by the government since its provisions challenge the principles of Islamic Law. Likewise, there have been some critiques regarding the implementation of a few other aspects of the Convention such as Article 12, which targets the child's right to expression. In this regard, the following two provisions should receive attention. The first emphasizes the importance of family and its members, including the child, and states quite plainly the state's responsibility for protecting and improving children's interests and welfare. The first article related to child rights in the Basic Statute of the Sultanate of Oman (Ministry of Foreign Affairs, 2013) is as follows:

#### Article 12 – social principles

*The family is the basis of society, and the law regulates the means of protecting it, safeguarding its legal structure, reinforcing its ties and values, providing care for its members, and creating suitable conditions for the development of their aptitudes and capabilities.*

On the other hand, the second article emphasizes the right of expression in Oman and guarantees it within the limits of law, including the expression rights of children.

#### Article 29 – Expression

*Freedom of opinion and expression, whether spoken, written or in other forms, is guaranteed within the limits of the law.*

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Although the ratification of the UNCRC by the Sultanate was welcomed, the main critique was about Oman's lack of specific legislation in implementing its provisions (UN Committee on the Rights of the Child, 2006), in turn limiting the full application of child rights. Amidst the debate on how child rights could be advocated, improved, and implemented, the Sultanate of Oman took another important step by introducing a brand new child law by Royal Decree No. 22/2014 on May 19, 2014 (Ministry of Legal Affairs, 2014). This action served to promote child rights in the country. It also placed the Sultanate well ahead of even its Western counterparts on child rights advocacy. However, while welcomed by many, discussions about expectations for this law in Oman do not go beyond speculation. Thus, a study is needed of expectations of this new child law. More to the point, since early childhood teachers are expected to act as advocates for child rights in the society, it is important to understand their perspectives on any initiative with a direct or indirect impact on a child's immediate life. In Oman, the main source of early childhood teachers is the Early Childhood Education Department (ECED) at Sultan Qaboos University (SQU). This department's graduates are also expected to be active agents in promoting child rights and awareness at all levels and platforms in the Omani society. Therefore, an understanding of this group's expectations is important, too. Thus, this study sought insights into pre-service early childhood teachers' expectations of Oman's new child law. In order to fully understand the phenomenon and go further with the study, a look at child rights, including its definition, types, and historical development, is needed and offered in the following section.

## 1.2. Background on child rights: definition, types, and historical development

Generally, children's rights are defined simply as human rights adapted to children's conditions with particular attention to their vulnerability, specificities, and age-appropriate needs (UNICEF, 2014a). Accordingly, child rights has two components—the first involves general human rights as adults such as the right to non-discrimination (Webb, 2011), expression (Langlaude, 2010), civil (Humphries et al., 2014), health (Waterson & Yilmaz, 2013), educational (Clair, Miske, & Patel, 2012), social (Warner & Prentice, 2013), cultural (Fronczek, 2009), and economic rights (Nolan, 2013); and the second component includes special rights to protect them (Fisher & Shang, 2014), including from violence (Kamil, 2014) and exploitation (Appleton, 2014) during their childhood while taking their evolving capacities (Lansdown, 2005), capabilities (Bonvin & Stoecklin, 2014) and special needs (Mephram, 2010) into consideration. The need to focus on children's rights in a specific manner stems from the understanding that children are dependent individuals, not the possessions of parents or the state who are more open to the impact of governmental actions, whose views are rarely heard, and who are affected most negatively or disproportionately by societal changes (Humanium, 2011). Moreover, the future well-being of a society relies of its children's healthy development (UNICEF, 2014b).

In earlier times, children did not receive official special protection. For example, Plato violated children's rights in advocating public ownership of women and children in the society (Archard, 2004). In the Middle Ages children were considered to be *small adults*. This was the case until the 18th century when the French philosopher Jean-Jacques Rousseau stated in his prominent work *Emile* that there is a unique value in childhood and he believed that children had the right to be cared for and educated according to human nature without being harmed. They should enjoy sunlight, exercise, and play and have the right to make their own decisions (Rousseau, 1762a). He opened the path for the issue of child rights (Koshimizu, 2001). In 1780, the French Declaration of the Rights of Man was a historic blow to human rights in general; however, children were not an issue of concern (Khalil, 2002). In 1841, French law began to give children special protection in the labor field (Humanium, 2011) in order to prevent the adverse effects of the Industrial Revolution and workforce shortages on children. On the

other hand, efforts to promote children's rights at the international level started in the beginning of the 20th century (Alston, Tobin, & Darrow, 2005). For example, the International Labor Organization (ILO) adopted many international standards in 1919 and focused directly on children and attributed them specific rights such as working hours and minimum age (Khalil, 2002). In addition, prior to the founding of the United Nations, the League of Nations (1919) inserted protective rights provisions against children's exploitative labor and slavery to its covenant. Afterwards, the Geneva Declaration was ratified by the fifth general assembly of the International Save the Child Union on February 28, 1924 (Alston et al., 2005). The declaration consisted of five points relating to children's physical, civil, mental, protection, and survival rights (League of Nations, 1924) that were considered to be *passive rights* (Khalil, 2002).

The League of Nations adapted the Declaration of Geneva on September 26, 1924. Ten years later, the General Assembly of the League of Nations adopted this declaration once again (Khalil, 2002). In 1945, the United Nations was established, yet its focus was the basic human rights rather than specific child rights in its first years (Alston et al., 2005), thus, adapted the Universal Declaration of Human Rights on December 10, 1948 (UN General Assembly, 1948). Five years later, in 1953, UNICEF was established and studies on child rights accelerated, resulting in the adoption of the Declaration of the Rights of the Child by the UN General Assembly (1959). The declaration was based on two groups of rights: protection of the child's physical integrity and living standards; and second, involvement in the child's mental and moral developments (Khalil, 2002).

Thirty years after this occasion, the UN General assembly unanimously adopted the Convention on the Rights of the Child on November 20, 1989 (UN General Assembly, 1989) which became an international treaty. As of 2014, the number of state parties involved in this treaty has a total of 194 and signatory states has a total of 140. The convention has the highest number of signatory states among human rights treaties (Khalil, 2002). In addition, two optional protocols have been adopted by the UN General Assembly, since then: (1) the Optional Protocol on the Involvement of Children in Armed Conflict (UN General Assembly, 2000) and (2) the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (UN General Assembly, 2001). The articles in the UNCRC consist of 54 articles in total, of which 41 target child rights, including the themes of survival rights, development rights, protection rights, and participation rights (Children's Rights Alliance, n.d.), defined as follows:

*"The Convention on the Rights of the Child is an international treaty that recognizes the human rights of children, defined as persons up to the age of 18 years. The Convention establishes in international law that States Parties must ensure that all children—without discrimination in any form—benefit from special protection measures and assistance; have access to services such as education and health care; can develop their personalities, abilities and talents to the fullest potential; grow up in an environment of happiness, love and understanding; and are informed about and participate in, achieving their rights in an accessible and active manner."* (UNICEF, 2005)

Although the UNCRC has been ratified by many countries, it is important to understand the contextual variables while investigating any topic related to any phenomenon such as child rights as these variables might have influence on the meaning of concepts and implementation of the laws related to these concepts (Tekin & Tekin, 2007). The present study was conducted in Oman where the religion plays a dominant role in forming any social constructs. Therefore, it is essential to enlighten child rights in Islam and Omani context.

## 2. Context

### 2.1. Child rights in Islam and Omani context

The basic notions and understanding of child rights have been widely accepted by communities from all continents and regions of the

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