



# Oman - Global bribery offenses guide

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## 1) What is the legal framework governing bribery in Oman?

In Oman, there is no standalone bribery law. Bribery and corruption are governed by several distinct and overlapping laws. Oman Sultani Decree No. 7/2018 On the Issuance of the Oman Penal Code (the Oman Penal Code), however, contains the key provisions (arts. 207-212) governing bribery. Bribery offenses in Oman relate solely to bribery of public officials.

Oman is a constitutional monarchy, in which the Sultan of Oman is not only the head of state, but also the head of government. The Omani legislature is the bicameral Council of Oman, consisting of an upper chamber, the Council of State (*Majlis ad-Dawlah*) and a lower chamber, the Consultative Council (*Majlis ash-Shoura*), although the Sultan is ultimately responsible for promulgating and ratifying laws. Islamic Sharia law stands as the basis for legislation.

All article references in this summary refer to the Oman Penal Code.

## 2) What constitutes a bribe?

A bribe is not expressly defined under the Oman Penal Code.

By implication from the bribery offenses, a bribe is a gift, financial or other advantage offered or received, directly or indirectly, to induce or reward the improper performance of a public official's relevant function or activity.

## 3) What are the principal offenses under this legal framework?

Bribery generally includes the request, acceptance, offer of or making of any promise or gift (or other advantage) to a public official either directly or indirectly in order to abet that public employee to abuse their power, whether actual or presumed, in order to obtain, from a public department of authority, an unlawful benefit (arts. 207, 208, 209).

The offering, promising, or giving of a bribe to a public employee, even in cases where the bribe is refused (art. 211).

Where a public official is unduly influenced by a request, "recommendation" or an intermediary to fail to perform their duties, even in the absence of any evidence of being offered or receiving an improper advantage or benefit, the public official's action is deemed a criminal offense under the bribery provisions (art. 210).

Acting as an intermediary for a bribery transaction (art. 212).

## 4) What is the jurisdictional reach of the legal framework?

In general, criminal offenses under the Penal Code apply outside Oman where any of the following conditions are met:

- the perpetrator is an Omani public official acting during or in the performance of their duties (art. 19(a));
- the perpetrator is an Omani official in the diplomatic and consular sector abroad while enjoying diplomatic immunity in accordance with international agreements (art. 19(b)); or
- the perpetrator is a foreigner found in Oman after committing a crime abroad (whose extradition has not been requested) (art. 20).

## 5) Who may be liable for bribery? (Public officials, private individuals, legal entities, etc.)

Private individuals, public employees, and any person who aids or abets a bribery offense can be prosecuted for bribery offenses.

It is worth noting that public employee is widely defined to include civil servants and state enterprises in which the government owns more than 40% of the share capital (art. 10).

## 6) Can a parent company be liable for its subsidiary's involvement in bribery?

There are no specific provisions addressing a parent company's liability for its subsidiary's involvement in bribery, though it is possible in cases in which the subsidiary is the offeror of the bribe. Some possibilities include where:

- the parent company acts as an intermediary in the bribery offense; or
- the parent company acted directly or indirectly in the commission of the bribe.

## 7) Are facilitation payments (i.e. small payments to speed up routine governmental action) considered bribes?

Yes. Provided they meet the criteria, facilitation payments are considered bribery, no matter how small the amount.

## 8) Does the legal framework restrict political and charitable contributions?

There are no express provisions under the Oman Penal Code that restrict political or charitable contributions.

There are, however, restrictions under fundraising and charity laws that could apply to charitable contributions. Fundraising and the establishment of charities in Oman is highly regulated, in part, to mitigate the risk of terrorism financing and money laundering. Charities are closely scrutinized and regulated and fundraising is only permitted in partnership with locally established charities.

As Oman is a constitutional monarchy, political contributions are not applicable.

## 9) Does the legal framework place restrictions on corporate hospitality?

The Oman Penal Code makes no express provisions with regard to corporate hospitality and any financial or other advantage given in that context would be assessed by reference to the provisions described in this note.

## 10) Are there any defenses for bribery offenses?

The Oman Penal Code states that a briber or intermediary who self-reports a bribery offense before it is discovered shall be exempted from the penalty (art. 212). However, it is not clear whether the self-reporter would be exempt from bribery, corruption or other related offenses under other legislation.

If the self-report is made after the bribery offense is discovered, the self-report is deemed as a mitigating factor in sentencing (art. 212).

Other general mitigating factors: article 71 of the Oman Penal Code allows a court to order the stay of an enforcement order of a fine or imprisonment for a period less than three years (arts. 209 and 211 prescribe sentences which would fall within this duration), if:

- the manner of the sentenced person, their background or age or the circumstances in which the crime was committed leads to the belief that they will not return to the commission of a crime; and
- the sentenced person maintains an actual place of residence in Oman.

## 11) What are the key regulatory or enforcement bodies with regard to bribery?

- The State Financial and Administrative Monitoring Institution
- The Ministry of Justice and Legal Affairs
- The Public Prosecution Office

## 12) What are the legal consequences of being found guilty of bribery offenses?

Legal Consequence	Application
<ul style="list-style-type: none"> <li>• At least three years' and up to five years' imprisonment;</li> <li>• a fine at least equal to the bribe promised or received;</li> <li>• dismissal from public office; and</li> <li>• permanent deprivation of the right to hold any public office.</li> </ul>	<ul style="list-style-type: none"> <li>• Bribery of public officials (art. 207).</li> <li>• Same legal consequences apply to bribers and intermediaries (art. 212).</li> </ul>
<ul style="list-style-type: none"> <li>• At least three years' and up to ten years' imprisonment;</li> <li>• a fine at least equal to the bribe;</li> <li>• dismissal from public office; and</li> <li>• permanent deprivation of the right to hold any public office.</li> </ul>	<ul style="list-style-type: none"> <li>• Higher offense, where the bribery transaction involves the public official breaching their duties (and not merely refraining from duties, turning a blind eye, facilitation, etc.) (art. 208).</li> <li>• Same legal consequences apply to bribers and intermediaries (art. 212).</li> </ul>
<ul style="list-style-type: none"> <li>• At least one year and up to three years' imprisonment.</li> </ul>	<ul style="list-style-type: none"> <li>• Attempted bribery: lesser offense in respect of bribers and intermediaries, where the public official refuses the bribe (art. 211).</li> </ul>
<ul style="list-style-type: none"> <li>• One to six months' imprisonment; and</li> <li>• a fine of OMR500 to OMR1,000.</li> </ul>	<ul style="list-style-type: none"> <li>• Undue influence of a public official who fails to fulfill their duties on the basis of a request, recommendation or an intermediary. The provision of a bribe is not an element of this offense (art. 210).</li> </ul>

\*Even though this is not expressly stated under the Oman Penal Code, the public authority may have the discretion to confiscate any proceeds of crime.

\*Additional legal consequences may apply if the acts constitute crimes under other laws.

## 13) Are deferred prosecution agreements (DPAs) or other similar settlement mechanisms available?

Bribery offenses are not currently capable of being settled by way of DPA under Omani anti-bribery laws.

No formal settlement mechanisms are available under the Oman Penal Code.

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