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Oman*

The present report is a summary of 7 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Tawasul Global Connections Center (TGCC) noted that Oman had ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), although with four reservations. Most notably was the reservation on article 9 pertaining to the right of women to pass their nationality (citizenship) to their children.²

2. The Omani Society for Writers and Literati Muscat, Oman (OSWL) recommended that Oman ratify the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR).³

B. Constitutional and legislative framework

3. TGCC reported that Oman adopts a monist legal system, in which international law instruments became part of the national legislation upon ratification. Omani legislation combined features of civil law, common law and Shari'a law.⁴ TGCC recommended that the Basic Law of the State be revised to clarify some grey areas, especially in connection with conflict of laws and conflict of jurisdiction.⁵ TGCC recommended that the Government embark on a project to revise and consolidate its laws and regulations based on a human rights perspective and with a view to legal empowerment of its people.⁶

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

4. OSWL noted that the Basic Law and national legislation contained provisions ensuring the equality of all citizens and prohibiting discrimination, including on the grounds of sex. However, OSWL observed that the Law on Citizenship still posed problems in this regard insofar as it allowed only men, but not women married to foreigners, to pass on citizenship to their children. Similarly, foreign women married to Omani men were allowed to acquire Omani citizenship more easily than foreign men married to Omani women. Accordingly, OSWL recommended the amendment of the Law on Citizenship so as to achieve equality in this regard.⁷

5. TGCC reported that persons with disabilities were disadvantaged with regard to their integration into public life, schools and employment, particularly in the private sector. A project for integration in schools had been announced by the government as part of the current five year development plan, but had met with financial and human resource challenges, which apparently had led to its suspension. Moreover, some services were not physically accessible to persons with disabilities. Persons with disabilities in areas outside the capital area were not accorded due care and attention. TGCC stated that the Government should develop a strategy to direct the provision of support services towards the integration of persons with disabilities, take necessary measures to raise awareness and ensure the enforcement of the employment quota for persons with disabilities prescribed in the Labour Law.⁸

6. The Amman Center for Human Rights Studies and the Tamkeen Development Fund (TDF) referred to an administrative order issued in May 2006 by the Ministry of Interior changing the name of Al Tuwaiya to Al Harthy, the name of a strong tribe in Oman. This had the effect of labeling the Al Tuwaiya people as servants of the Al Harthy tribe, which was an affront to their honour and reputation in the Omani context and caused them to be discriminated against.⁹ TDK noted that although the Ministry had informed the Al Tuwaiya people in December 2009 that its decision was no longer valid, the Al Tuwaiya were still suffering as they had been denied to revert back to their real name. It was reported that the Centre for Civil Status of the Oman Royal Police apparently still kept their name recorded as Al Harthy and that they were faced with bureaucratic hurdles and recovering their real names.¹⁰

2. Right to life, liberty and security of the person

7. TGCC recommended that the Government take legal and administrative measures to create an environment in which women and children are protected from violence. In particular, TGCC recommended the implementation of a system that encourages victims to report attacks, protects them and their families and deters perpetrators from committing abuses. Complaints of gender-based violence should be properly registered, investigated and prosecuted by the police. TGCC further recommended that law enforcement officers be trained to work with victims of abuse and violence, particularly women and children.¹¹

8. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children in Oman was legal, and that the Committee on the Rights of the Child had made recommendations in this regard.¹² GIEACPC indicated that provisions against violence and abuse in the Basic Law (1996), the Penal Code (1974), and the Code of Criminal Procedure (1999) were not interpreted as prohibiting corporal punishment in child rearing. In the penal system, corporal punishment appeared to be unlawful.¹³ GIEACPC highlighted the importance of prohibiting all corporal punishment of children in all settings, including the home, and urge the Government to enact legislation to achieve this as a matter of priority.¹⁴

9. OSWL recommended that clear information and data be provided on the phenomenon of human trafficking in Oman and that information be distributed by the State in all languages and to all segments of society that were exposed to the risk of trafficking, including migrants, on means of protection against trafficking, such as hotlines and shelters. Measures of protection should be taken at the national and international levels, including with countries of origin. OSWL further recommended the adoption of appropriate legal provisions for the protection of domestic servants, either through a special section in the Labour Code or a separate law for their protection. This was particularly important in light of information that a large part of trafficked persons appeared to originate from this category.¹⁵

3. Administration of justice and the rule of law

10. OSWL noted that the Basic Law guaranteed the right to a legal remedy, but observed that the Law on the Administrative Court (Royal Decree 91/99) excluded certain claims from the jurisdiction of the Court, including claims related to sovereign acts and Royal decrees as well as matters related to citizenship and tribal affairs. Due to these exceptions, many decisions of the Ministry of Interior were outside judicial control, as had been the case in February 2008, when the Court was requested to decide on a decision concerning the change of the family name of the members of one tribe to that of a different tribe. OSWL recommended that all decisions of the executive power be made subject to judicial control so that citizens would have a remedy in the case of arbitrary decisions infringing their human and civil rights.¹⁶

11. OSWL noted that the Basic Law provided for the independence of the judiciary and the right to a fair trial, but observed that a few challenges remained to be addressed for the full exercise of this right in practice. In particular, it was noted that the public prosecution did not enjoy the necessary independence, but was under the direct supervision of the inspector general for police and customs, which made the prosecution subject to interference by the executive powers. The legal profession similarly lacked independence as the lawyers' profession was regulated by a committee of the Ministry of Justice, which was responsible for issuing lawyers' licenses and received complaints concerning their professional conduct. OSWL further noted that an accused person could be detained up to 30 days before being brought before a judge. In addition, defendants were disadvantaged vis-à-vis the prosecution in procedural and practical terms. For example, no professional interpreters were provided for defendants who did not speak Arabic.¹⁷

12. OSWL recommended that the public prosecution be separated from the executive power and that it be given full independence. Similarly, lawyers should be completely independent of the Ministry of Justice, and a professional association should be established to take charge of lawyers' affairs. The duration of pre-trial detention should be shortened to two days, after which time the accused should be brought before a judge to decide on the question of a prolongation of detention. Furthermore, a committee should be established to review trial conditions and procedures so as to ensure the fairness of trials. Such committee should then submit a report on its findings to the Majlis el-Shura.¹⁸

13. TGCC noted that Oman had adopted a civil court system in 1999. Until that time, judges had been drawn from a pool of Shari'a graduates. These judges were not always fully conversant with the impact of international conventions on jurisdiction, the right to litigate and the legal evaluation of cases submitted.¹⁹ TGCC recommended that lawyers and judges operating in Oman be trained on human rights and the impact of international obligations on the interpretation of national laws.²⁰

4. Right to privacy, marriage and family life

14. TGCC reported that Omani nationality law required Omani citizens to obtain a special permit if they wished to get married to a foreign national. Failure to comply with this rule could subject a person to imprisonment, termination of employment and/or loss of citizenship. TGCC recommended that the law be revised.²¹

15. TGCC indicated that mothers could not pass their citizenship to their children if the child was fatherless or without nationality. Furthermore, if Omani women were married to non-Omanis, their husbands' residence rights in Oman were still dependant on having an employment contract in Oman. Children from the age of 18 years suffered the same fate, which also affected the rights of these children to inherit from their mothers, as foreign nationals, except nationals from member countries of the Gulf Cooperation Council, faced several restrictions on property ownership in Oman.²²

16. ARC/ILGA reported that Oman maintained criminal sanctions against sexual activity between consenting adults of the same sex.²³ ARC/ILGA recommended that Oman be urged to bring its legislation into conformity with its commitment to equality and non-discrimination and its international human rights obligations by repealing any provisions which may be applied to criminalize sexual activity between consenting adults of the same sex.²⁴

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

17. The European Centre for Law and Justice noted that the Basic Law confirmed Islam as the State's official religion and the Islamic Shari'a as the foundation for legislation. At

the same time, the Basic Law provided for the freedom of religion so long as that religious practice did not conflict or interfere with moral teachings or public order. The Basic Law also provided for the right to assemble and for the freedom to form nationally based societies for “legitimate objectives and by peaceful means”, but also stipulated that the State could intervene to “prevent anything that might lead to division, sedition or disruption of national unity”.²⁵

18. OSWL noted that the Basic Law, in article 29, provided for freedom of opinion and expression “within the limits of the law”, and, in article 31, for the freedom of the press, printing and publishing “according to the conditions and circumstances prescribed by law”. Challenges to the freedom of expression were posed by implementing legislation which insufficiently protected this freedom. The Government retained broad discretionary powers in connection with the exercise of this freedom, and some of the laws regulating this area predated the Basic Law and were not in line with its principles. This included the Law of 1984 on print materials and publications, which gave the Minister of Information the authority to ban any publication without the need for an explanation.²⁶

19. OSWL recommended that the Law on print materials and publications be reviewed, in consultations with journalists, writers and relevant civil society organizations, with a view to its amendment and the abolition of the Committee on print materials and publications as well as deletion of provisions on prison sentences. OSWL also recommended the deletion of article 61, paragraph 4, of the Communications Law, which contained broad provisions criminalizing certain acts in connection with electronic publishing and thus infringed the freedom to publish. OSWL further recommended that the pre-trial detention of writers during investigations concerning their written works and publications not be allowed. Finally, OSWL recommended the enactment of a law on the freedom to obtain information.²⁷

20. TGCC noted that the Law on Publications (49/1984) and related media regulations needed to be amended, particularly with regard to the imposition of prison sentences, which has left journalists and media establishments at the discretion of government authorities and subsequently lead to fear and self censorship.²⁸ This in turn had prevented the press from exercising its proper role of ensuring accountability and access to information. In addition, it was noted that licensing requirements for private media outlets were lacking in clarity and were unnecessarily restrictive.²⁹ TGCC recommended that the law be reviewed and existing regulations that unreasonably restricted the establishment and operation of private media outlets be lifted.³⁰

21. TGCC reported that although the Law of Associations (14/2000) was currently being reviewed, the Law still required associations to seek permission in writing prior to conducting any activity, including holding annual general meetings, which were attended by a government representative. This impeded the implementation and flexibility of decision-making within non-governmental organizations and professional associations. Obtaining approval for establishing associations or societies took two years on average and could even take ten years in some cases. This depleted the will and resources of applicants and caused a number of them to withdraw their applications or abandon their projects.³¹ TGCC recommended that the Law be revised to render it less restrictive and complicated. TGCC indicated that civil society organizations should be perceived by the authorities as a means of development, a platform for community-based action and an embodiment of citizens’ responsibility and accountability. An essential component of the law review should relate to the granting of access to public funds so as to further cement the participatory process and accountability to society.³²

22. OSWL recommended that the State allocate support to civil society organizations through the creation of a special fund, in a manner that would not infringe on the independence of the organizations. The independence of civil society organizations should

be affirmed and there should be no interference in their activities. OSWL further recommended that the direct supervision by the Government over civil society organizations, professional associations and trade unions be ended, and that the Law on Associations be reviewed with the participation of all civil society organizations, with a view to the amendment of that Law.³³

23. OSWL observed that there was no document guaranteeing to everyone the right to participate in general elections or laying down criteria and conditions for such participation. There was merely a regulation issued by the Minister of Interior, the implementation of which was to be overseen by a committee chaired by the Minister, who could dissolve the committee or replace its members without having to state the reasons for such action. It was also noted that there was no document governing the structure or competences of the representative body (Majlis el-Shura). OSWL further noted contradictions between stipulations providing that all Omanis could vote and stand for elections and other stipulations providing that only Omanis by birth could stand as candidates, thus excluding naturalized Omani citizens. Furthermore, it was noted that the age for voting in election had been set at 21 years, although legally the age of majority was 18 years.³⁴

24. OSWL recommended that the Basic Law be amended so as to guarantee the right to elections and to participate in elections; and to clarify the structure and competences of the representative body and its relationship to other constitutional entities. OSWL also recommended the enactment of a law regulating elections and the establishment of an independent body to oversee elections. It further recommended that the minimum age for voting in elections be lowered to 18 years; and that the electoral districts be delineated in such manner as to ensure equality in representation and to allow the peoples' representatives to perform their functions under equal conditions.³⁵

6. Right to work and to just and favourable conditions of work

25. TGCC stated that Oman was a signatory to the International Labour Organization (ILO) and its conventions.³⁶ Though great strides had been made towards fulfilling ILO conventions and human rights principles and instruments, there remained a number of challenges. In particular, trade unions had not yet formed any industry-wide federations, mainly due to an insufficient understanding among employers and employees about the use and value of such federations.³⁷ The law did not permit labour unions to organize activities at the local, regional or international level without the consent of the General Federation of Trade Unions, which had not rendered sufficient support to its main stakeholders.³⁸ TGCC indicated that industry wide federations needed to be encouraged and that the influence of the General Federation of Trade Unions had to be limited. More efforts needed to be exerted by the government and employers to integrate the expatriate labour force into the community.³⁹

26. OSWL recommended that the social insurance law be amended so as to ensure financial support for job seekers; that the manner in which minimum wages were set be reviewed; and that the independence of trade unions be strengthened.⁴⁰

7. Right to education and to participate in the cultural life of the community

27. OSWL noted that education had been the primary focus of national efforts since the beginning of the new era in 1970, and that broad educational opportunities had been provided to both sexes. Equal opportunities had at a later stage also been offered in higher education and for university studies, both nationally and through the provisions of governmental grants/scholarships for studies abroad. OSWL was concerned, however, that with an increasing number of high school graduates the opportunities for graduates to pursue university studies were declining. OSWL recommended that a provision ensuring free education up to the age of 16 years be included in the Basic Law, that

grants/scholarships for university studies be increased to ensure continuous development of national knowledge levels; and that education be focused to a greater degree on the holistic human development of Omani citizens.⁴¹

28. TGCC informed that the Basic Law of the State declared Arabic as the official language. TGCC noted, however, that Oman was endowed with 11 indigenous languages, which were not reflected in any official publications or communications. Traditional channels and structures adopted by families to pass on this special knowledge were disappearing under due to a lack of supporting state mechanisms and a State drive towards consolidating Arabic as the main medium of communication. TGCC further indicated that the national curriculum did not envisage teaching these indigenous languages, even within target regions. This matter had been raised during the development of the National Education Strategy 2006–2020, but had been rejected on the premise of compromising national unity and identity. TGCC stated that it was imperative for the country to have a national policy and strategy on indigenous languages so as to enable its citizen to enjoy their rights, to preserve the heritage roots of the country and to allow further integration through the learning of these languages.⁴²

29. TGCC reported that the Council for Higher Education prevented public and private universities, including foreign universities operating in the country, from teaching political science in Oman. It recommended the lifting of this restriction.⁴³

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

ACHRS	Amman Center for Human Rights Studies*, Amman (Jordan)
ARC/ILGA	Joint submission by ARC International, ILGA and ILGA-Europe*
ECLJ	European Centre for Law and Justice*, Strasbourg, France
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom)
OSWL	Omani Society for Writers and Literati Muscat, Oman
TDF	Tamkeen Development Foundation, Yemen
TGCC	Tawasul Global Connections Center, Oman

² TGCC, pp. 2–3.

³ OSWL, para. 4.5.1.

⁴ TGCC, p. 4.

⁵ TGCC, p. 4.

⁶ TGCC, p. 5.

- 7 OSWL, para. 6.
 - 8 TGCC, p. 3.
 - 9 ACHRS, pp. 1–3 and TDF, p. 5. See cases cited in TDF.
 - 10 TDF, p. 3. See also ACHRS, p. 3.
 - 11 TGCC, p. 3.
 - 12 GIEACPC, p. 1.
 - 13 GIEACPC, p. 1.
 - 14 GIEACPC, p. 1.
 - 15 OSWL, para. 10.
 - 16 OSWL, para. 7.
 - 17 OSWL, para. 8.
 - 18 OSWL, para. 8.6.
 - 19 TGCC, p. 4.
 - 20 TGCC, p. 5.
 - 21 TGCC, p. 5.
 - 22 TGCC, pp. 2–3.
 - 23 ARC/ILGA, p. 1.
 - 24 ARC/ILGA, p. 2.
 - 25 ECLJ, section 1.
 - 26 OSWL, para. 4.
 - 27 OSWL, para. 4.5.
 - 28 TGCC, p. 2.
 - 29 TGCC, p. 2.
 - 30 TGCC, p. 2.
 - 31 TGCC, p. 1.
 - 32 TGCC, p. 2.
 - 33 OSWL, para. 5.4.
 - 34 OSWL, para. 9.
 - 35 OSWL, para. 9.5.
 - 36 TGCC, p. 4.
 - 37 TGCC, p. 4.
 - 38 TGCC, p. 4.
 - 39 TGCC, p. 4.
 - 40 OSWL, para. 3.
 - 41 OSWL, para. 2.
 - 42 TGCC, p. 5.
 - 43 TGCC, p. 5.
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