

## **Tawasul Global Connections Center Submission to the UNCHR- January 2011**

- 1- Title: Tawasul (Global Connections Center)– Individual UPR Submission – Oman – January 2011**
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- 3- Overview of Tawasul (Global Connections Center):**
  - a. Tawasul is a non-for-profit-making organization incorporated under the Commercial Register Law of Royal Decree 3/1974 due to the absence of an appropriate legal framework that is conducive to establishing non-for-profit and other civil society organizations.
  - b. Tawasul was established in 02/July/2008 with the following objectives:
    - i. Empowering Civil Society Organizations
    - ii. Conducting policy research papers related to Human Development goals of the country which take into consideration local particularism.
- 4- Activities of Tawasul include, but not limited to, the following:**
  - a. Conduction of capacity building programs for civil society organizations.
  - b. Organizing national discussion sessions, debates and seminars on key developmental issues pertaining to human development and public participation.
  - c. Publishing of e-newsletter in Arabic and English to address key issues human and cultural development.
  - d. Providing a networking platform for Civil society Organizations
- 5- Human Rights Situation: Preamble**
  - a. The following paragraph will briefly discuss select Human Rights in the Omani context. These rights were chosen based on the urgency of action required to address disparities pertaining to their practice.
  - b. The discussion should be viewed in the spirit that UN conventions and other instruments assist member states to streamline HR in all their planning processes and functions.
  - c. Moreover, they serve as a framework or a platform for action that is comparable and oriented towards best practices, notwithstanding the value of HRs in their own right.
  - d. More significantly in this context is that according to Oman’s Basic Law, the Sultanate adopts a single legislative/ legal system, where international instruments become national legislation upon ratification.
- 4. Civil Liberties**
  - a. **Freedom of Association:** Although the law of Associations (14/2000) is currently being reviewed, the following remains a challenge:
    - i. The law requires associations to seek permission and have it in writing prior to conducting any activity, including holding the AGM, which is attended by a government representative. This impedes the implementation and flexibility of decision making within NGOs, professional and charitable organizations since it adds one further layer of bureaucracy.
    - ii. Obtaining approval for establishing associations/ societies takes on average two years, and in recorded cases 5-10 years. This depletes the will and resources of applicants causing a number of them to withdraw or drop the idea.

- iii. The government does not provide professional and charitable associations with access to public funds or support.
- iv. **Recommendations:** the law should be revised to make it less restrictive, since recent revisions made the law only more restrictive and complicated. Civil society organizations should be perceived by the authorities as a means of development and a platform for community based action and an embodiment of citizen responsibility and accountability. An essential component of this revision should be granting access to public funds to further cement the participatory process and accountability to society.

**b. Freedom of the Press**

- i. The Law of Publication (49/1984) and related media regulations, need to be amended with particular reference to penalties of imprisonment, which has subjected journalists and media establishments to discretion of government authorities and subsequently lead to fear and self censorship. This has prevented the press from exercising its due role of ensuring accountability and access to information.
- ii. Licensing requirements for private media outlets are not clear and unnecessarily restrictive.
- iii. **Recommendations:** The law needs to be reviewed and revised in the areas identified above. Furthermore, existing regulations restricting unreasonably the establishment and operation of private media outlets should be lifted. This is should be seen in the spirit of freedom of opinion and expression. Laws should be drafted from a Human-Rights perspective.

**c. Right of Domicile and Non Discrimination:**

- i. Omani Nationality law discriminates against Omani men and women married to non Omanis whereas Omani women and men require a permit to marry foreign nationals. Failure to comply with the regulation may subject a person to imprisonment, termination of work, loss of nationality (citizenship) or all the above. Duration of obtaining such a permit varies on case by case and is generally lengthy and bureaucratic extending at times to two years. This regulation infringes on personal choice and freedom and leads to an unhealthy situation of discrimination between men and women on hand and among citizens on the other.
- ii. **Recommendations:** The aforementioned law should be immediately revised by deleting articles restricting the exercise of the right to choose spouse.

**5. Special Groups' Rights:**

**a. Women and Children Rights:**

- i. Omani women have a place of distinction in the current political landscape due to the special attention accorded by the HM the Sultan (Head of State), prompting women's participation in several developmental fields.
- ii. The Sultanate of Oman has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), however, with 4 reservations. Most notably is the reservation on Article (9) of the CEDAW pertaining to the right of women to pass their nationality (citizenship) to their children, whereas in Oman, nationality (citizenship) is passed through the father. Consequently, women's right to custody is compromised. Mothers can pass their citizenship (nationality) to their children if the child

is fatherless or without nationality. Furthermore, Omani women married to non-Omanis cannot sponsor their husbands to live in Oman. Their residency is conditioned by having an employment contract. Children (18 years old and above) suffer the same fate. This would also render these children unable to inherit their mothers, as foreign national (except for GCC nationals) have several restriction on property ownership in Oman.

iii. Other challenges for women and children include, but are not limited to, the following:

- Lack of organized assistance, government campaign to combat gender based violence and child abuse through sufficient Human Rights based administrative and legal measures and training as well as public awareness towards and community based initiatives.
- Lack of comprehensive national surveys and studies on gender related issues.
- Insufficient welfare services for orphans and foundlings since there is only one government owned and run orphanage. A major privately sponsored orphan-city is being completed now and will be handed over to the government for management. Serious administration, human resources and policy challenges remain to be overcome.

iv. **Recommendations:** The government should take necessary legal and administrative measure to ensure the following:

- Creating a legal environment that protects women and children from violence, by implementing a system that encourages victims to report attacks, protects them and their families and deters perpetrators from committing these abuses.
- Ensuring that complaints of gender based violence are properly registered by the police and investigated, and any crimes prosecuted leading to the conviction of the perpetrators.
- Training the law enforcement officers on handling victims of abuse and violence, particularly with women and children.

b. **Persons with Disabilities:**

- i. Persons with disabilities are disadvantaged in terms of integration into public life, schools and employment particularly in the private sector.
- ii. A major in-school-integration project was announced by the government, as part of the current five-year-development plan, but it has met serious financial and human resources challenges which apparently have led to its suspension.
- iii. Moreover, not all services are physically accessible to persons with disabilities, though some sporadic attempts are visible. Persons with disabilities in areas outside the capital area are not accorded due care and attention.
- iv. **Recommendations:** The government should develop life-cycle based strategy to orientate support services towards 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 Omani labor law.

6. **Labor:** Oman is a signatory to the International Labor Organization (ILO) and its conventions. Though great strides have been achieved towards fulfilling those conventions and Human Rights principles and instruments, the following issues remain a challenge:
- a. Labor/ trade Unions have not formed industry-wide federations, as per the law, mainly due to modest understanding among employers and employees about the use and value of industry federations, leave alone the Human Rights and Legal significance.
  - b. As per the law labor unions cannot organize activities nor participate in even local, regional or international without the consent of the General Federation of Trade Unions, which has not been rendering sufficient support to its main stakeholders.
  - c. Labor regulations do not offer any provisions to help expatriate labor communities to integrate into the community and culture.
  - d. **Recommendations:**
    - Industry wide federations must be encouraged along with limiting the influence of the General Federation of Trade Unions.
    - More efforts need to be exerted by the government and employers to integrate expatriate labor force into the community
7. **Legal and Judicial Systems:**
- a. Oman adopts a monist legal system where international law instruments become, and supersede, national laws upon ratification. This has been causing some confusion and conflict of laws resulting subsequently in some deficiencies in the delivery of justice. Omani legislation exhibit features of Latin (civil), Common-Law and Shari'ah schools.
  - b. To further compound the issue, Oman adopted a civil court system in 1999. Until then, judges have been drawn from a pool of Shari'ah graduates. These judges are not fully conversant with the implications of a monist legal system vis-à-vis impact of conventions on jurisdiction, right to litigate and legal conditioning of cases put forward.
  - c. Moreover, laws and regulations have not been and are not being drafted from a Human-Rights-Perspective, instead a more procedural and governmental perspective is adopted. This is due to the fact that all laws and regulations are initiated by the Executive authority. However, the Supreme Court has been continuously conscious of Human Rights in its judgments and cassation orders.
  - d. Most cases are filtered through courts of First Instance. There are 41 courts across the country. Courts have been inundated with cases, which led to the restoration of traditional mediation and reconciliation practices. They have been legalized and institutionalized through committees within the court system which have led to the reduction of the number of cases entering the court system. However, it is recognized that these mediation and reconciliation committees do not have a sufficient gender balance to the disadvantage of women.
  - e. **Recommendations:**
    - i. The Basic Law of the State needs revision to clarify grey areas, especially those pertaining to conflict of laws and conflict of jurisdiction especially in the context of a monist legal system, as well as articles governing civil and political rights.

- ii. The Omani government should embark on a project to redraft and consolidate its laws and regulations from a Human-Rights perspective and with view to legal empowerment of its people.
- iii. Lawyers and judges operating in Oman need extensive training on Human Rights and Oman's obligations along with the impact on interpretation of national laws.

**8. Cultural Rights: Indigenous Languages and Freedom of Specialization**

**a. Indigenous Languages:**

- i. The Basic Law of the State stipulates that Oman is an Arab country and Arabic is the official language. However, Oman is endowed with 11 indigenous languages which are not reflected in the official publications or communication attempts.
- ii. There is no officially written or publically available a national language policy. However, the national curriculum does not entertain teaching these indigenous languages, even within target regions. This matter was raised during the development of the National Education Strategy 2006-2020, but was rejected on the premise of compromising national unity and identity.
- iii. Moreover, traditional channels and structures adopted by families to pass on this special knowledge are disappearing under pressures from lack of supporting state mechanisms and due to state drive towards having Arabic as the main medium of communication, hence, abnegating the need within these communities to preserve their own languages.
- iv. Preserving, including teaching and disseminating these languages, will achieve a multitude of benefits, most notably guaranteeing Omanis (speaking these languages) the exercise of their cultural rights and to maintain their roots and identity, not feeling subjugated to an identity uprooting or discrimination, without necessarily compromising national identity efforts as claimed by state apparatus. Quite the contrary, such efforts will enhance equal opportunities among the populace, reduce tribal and societal prejudices and strengthen respect for various members of the social fabric that formulates basis for Oman's national identity.
- v. **Recommendations:** It is imperative in this sense for the country to have a national policy and strategies on indigenous languages enabling its citizen to enjoy their rights, preserve the heritage roots of the country and allow further integration through learning these languages.

**b. Freedom of Specialization:**

- i. The Council for Higher Education prevents public and private universities from teaching political science in Oman, including foreign universities operating in the country.
- ii. There is also a perceived concern among some sectors of the population that acquiring a degree in political science or international relations abroad requires prior permission from the higher education authorities.
- iii. **Recommendations:** Restriction on teaching political sciences must be lifted with immediate effect.