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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1**

**Oman\***

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## **I. Introduction**

1. At the heart of the United Nations and at the core of its very foundation is the human person.
2. With a culture deeply rooted in the values of peace, tolerance and justice, the Sultanate of Oman accords all priority and full respect to human dignity.
3. Oman views the Universal Periodic Review as an opportunity. It is a constructive mechanism that allows states to review, at regular intervals, the progress they have made in protecting and promoting human rights. Furthermore, the outcome of the UPR provides the state under review the opportunity to utilize the input and recommendations made by fellow member states to enrich a forward looking and evolving plan of action, in tandem with the development aspirations of the country concerned.
4. As evidenced in its report, the Sultanate of Oman has managed in a relatively short time to establish the legal infrastructure required at the national level to instill human rights principles in its national legislation and institutions. Oman continues to develop and ensure the highest standards possible in protecting and promoting human rights by drawing upon its social and cultural values, availing itself of the experience and best practices of member states and making good use of the technical expertise of the Office of the High Commissioner for Human Rights in capacity building.

## **II. Methodology and consultation process for preparing the report**

5. In preparation for its Universal Periodic Review, the Omani Council of Ministers established a committee to steer the process of drafting the report. This committee was headed by His Excellency Yusuf bin Alawi bin Abdulla, Minister Responsible for Foreign Affairs. The committee was composed of 10 ministries and governmental bodies. It laid down the general guidelines for the drafting of the report and established a working group to carry forward this work.
6. As a first step, a workshop on the UPR mechanism was held in cooperation with the Office of the High Commissioner for Human Rights on 17–18 May 2010. This workshop was attended by 75 participants, representing 25 ministries, governmental bodies and national associations. The workshop benefitted from the expertise of the OHCHR as well as from the experience of a former State under Review.
7. Subsequently, the Ministry of Foreign Affairs took the lead role in drafting the national report. In doing so, it sought input from a range of ministries including the Ministry of Civil Service, Ministry of Education, Ministry of Health, Ministry of Information, Ministry of Interior, Ministry of Justice, Ministry of Legal Affairs, Ministry of Manpower, Ministry of Social Development and the Royal Oman Police.
8. In the spirit of transparency – encouraging NGOs and associations to participate and contribute their views directly – the Ministry of Foreign Affairs, in conjunction with the Omani National Human Rights Commission, organised a stakeholders' workshop on 26 June 2010. The purpose of this workshop was to convey the importance of the participation of NGOs and associations in the UPR process and encourage their input to the national report. Thirty NGOs and associations participated, including the Omani Women's Association, the Journalist's Association, the Lawyer's Association, the Oman Association for the Disabled, various children associations and the Writer's Association.

9. In an attempt to disseminate knowledge on human rights in Oman and also inform the wider public about the UPR, the press was welcomed to attend and report on all stages of the drafting of the UPR, including the workshops.

10. This high priority given to human rights represents the Omani government's seriousness and commitment to the UPR process and to the continued advancement of human rights as a whole.

### **III. Institutional basis for the promotion and protection of human rights**

#### **A. Institutional basis for human rights**

11. His Majesty Sultan Qaboos bin Said is the Head of State and the Supreme Commander of the Armed Forces. He is the symbol of national unity and the guardian of its preservation and protection.

12. The executive, legislative, and judicial arms of the State work closely in promoting and protecting human rights. The Council of Ministers and Specialized Councils form the executive arm of government. They are entrusted with the formulation and implementation of the general policy of the State and the proposal of draft laws and decrees. The Council of Oman consists of the Shura Council, composed of elected members, and the State Council, composed of appointed members, is entrusted with reviewing draft laws. The judiciary is composed of a system of courts. The Supreme Court functions as the highest court of the land and has the role of ensuring consistency in the application and interpretation of laws, and overseeing its correct application. The Administrative Court hears administrative disputes and reviews decisions taken by government authorities. It has the authority to abrogate decisions taken by government authorities and grant compensation. The Supreme Judiciary Council, headed by His Majesty, serves as the guarantor of the independence of the judiciary.

#### **B. The basic statute of the state**

13. The primary human rights legislation in the Sultanate is the Basic Statute of the State (promulgated by Royal Decree 101/96), and is appended in full as Appendix 1 to this report.

14. A range of human rights are protected in the constitution, particularly within its Social Principles, Cultural Principles and chapter on Public Rights and Duties.

15. Its main human rights provisions can be summarized as follows:

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#### ***GENERAL PRINCIPLES***

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Rule in the Sultanate shall be based on justice, shura (consultation) and equality (Art. 9)

Citizens shall have the right to participate in public affairs (Art. 9)

The State is committed to establishing a sound administrative system that guarantees justice, tranquility and equality for citizens, ensures respect for public order and safeguards the higher interests of the country (Art. 10)

Justice, equality and equality of opportunity between Omanis are the pillars of society, guaranteed by the State (Art. 12)

All citizens are equal before the Law, and they are equal in public rights and duties. There is no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile or social status. (Art. 17)

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***RIGHT TO HEALTH***

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The State guarantees assistance for the citizen and his/her family in cases of emergency, sickness, incapacity and old age in accordance with the social security system (Art. 12)

The State cares for public health and endeavours to provide health care for every citizen (Art. 12)

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***RIGHT TO EDUCATION***

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Education is a fundamental element for the progress of society which the State fosters and endeavours to make available to all. Education aims to raise and develop general cultural standards, promote scientific thought, kindle the spirit of enquiry, meet the needs of the economic and social plans, and create a generation strong in body and moral fiber. The State provides public education and works to combat illiteracy (Art. 13)

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***RIGHT TO WORK***

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The State enacts laws to protect the employee and the employer. Every citizen has the right to engage in the work of his/her choice. No work may be forced on a person and citizens are considered equal in taking up public employment according to the provisions of the Law (Art. 12)

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***RIGHT TO NATIONALITY***

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Nationality is regulated by the Law. It may not be forfeited or withdrawn except within the limits of the Law. It is not permitted to deport or exile citizens, or prevent them from returning to the Sultanate (Arts. 15 & 16)

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***ADMINISTRATION OF JUSTICE***

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Personal freedom is guaranteed in accordance with the Law. No person may be arrested, searched, detained or imprisoned, or have his/her residence or movement curtailed except in accordance with the provisions of the Law (Art. 18)

An accused person is innocent until proven guilty in a legal trial which ensures him/her the essential guarantees to exercise his/her right of defence according to the Law (Art. 22)

The accused has the right to appoint a person who has the ability to defend him/her during the trial. The Law defines the cases where the appearance of a defence lawyer on behalf of the accused is imperative, and ensures for those financially unable the means to seek judicial redress and defend their rights (Art. 23)

Anyone who is arrested shall be notified of the causes of his/her arrest immediately and he/she shall have the right to contact whoever he/she sees fit, to inform them of what has taken place or seek their assistance. He/She must be informed promptly of the charges against him/her, and has the right to petition the court against the action restricting his/her personal freedom (Art. 24)

The right to litigation is sacrosanct and guaranteed to all people (Art. 25)

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**FREEDOM OF OPINION AND EXPRESSION**

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Freedom of opinion and expression, whether spoken, written or in other form, is guaranteed within the limits of the Law. Freedom of postal, telegraphic, telephonic and other forms of communication is protected and their confidentiality is guaranteed within the limits of the Law. Freedom of the press, printing and publication is guaranteed within the limits of the Law (Arts. 29, 30 & 31)

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**OTHER RIGHTS**

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The basis of the national economy is justice and the principles of a free economy. Its chief pillar is constructive, fruitful co-operation between public and private activity. Its aim is to achieve economic and social development that will lead to increased production and a higher standard of living for citizens (Art. 11)

Freedom of economic activity is guaranteed within the limits of the Law in order to ensure the well-being of the national economy (Art. 11)

Public property is inviolable. The State shall protect it, and citizens and all other persons shall preserve it (Art. 11)

Private property is protected. No one shall be prevented from disposing of his/her property except within the limits of the Law. Nor shall anyone's property be expropriated, except for the public benefit in those cases defined by the Law (Art. 11)

Confiscation of property is prohibited and the penalty of specific confiscation shall only be imposed by judicial order in circumstances defined by the Law (Art. 11)

The family is the basis of society (Art. 12)

No person shall be subjected to physical or psychological torture, enticement or humiliating treatment, and the Law lays down the punishment for anyone who is guilty of such actions. No statement shall be valid if it is established that it has been obtained as a result of torture, enticement or humiliating treatment, or threats of such measures (Art. 20)

Dwellings are inviolable and it is not permitted to enter them without the permission of the owner or legal occupant except in cases specified by Law and in the manner stipulated therein (Art. 27)

The freedom to practice religious rites in accordance with recognised customs is guaranteed, provided it does not disrupt public order or contradict with morals (Art. 28)

Citizens have the right of assembly within the limits of the Law. The freedom to form associations is guaranteed in accordance with the provisions stipulated by Law (Art. 32 & 33)

Every foreigner who is legally resident in the Sultanate enjoys protection to his/herself and his/her property in accordance with the Law (Art. 35)

Extradition of political refugees is prohibited (Art. 36)

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## **C. National institutions**

### **1. The National Human Rights Commission**

16. The National Human Rights Commission (established by Royal Decree 124/2008) was created as an independent institution concerned with human rights and aimed at fostering fruitful and constructive co-operation between government authorities and civil society institutions in Oman. The Commission includes representatives from a range of civil society institutions such as the General Federation of Oman Trade Unions, NGOs, lawyers as well as representatives of government authorities.

17. The Commission is tasked with receiving complaints from individuals seeking protection for human rights and freedoms, reviewing observations made about Oman's human rights record by other governments, international organizations and NGOs, and coordinating with relevant authorities in verifying and taking action on necessary measures. It also contributes to the preparation of human rights reports and promotes greater awareness of human rights throughout the country.

### **2. The National Committee for Combating Human Trafficking**

18. As part of the growing global response to the issue of trafficking, Oman has strengthened its resolve and efforts to combat human trafficking. These efforts have led to the promulgation of the Law on Combating Human Trafficking (promulgated by Royal Decree 126/2008) and the setting up of the National Committee for Combating Human Trafficking (established by a decision of the Council of Ministers in 2009 in accordance with Article 21 of the Law on Combating Human Trafficking), headed by the Inspector General of Police and Customs. The Committee includes members of various governmental and non governmental bodies. It is responsible for submitting an annual report on its efforts and progress to the Council of Ministers.

19. Royal Decree 63/2009 amended the Labour Law in order to help address human trafficking or forced labour. This amendment imposed stricter penalties on violators and enhanced regulation of the recruitment and employment of expatriate workers in Oman.

20. Victims of human trafficking enjoy free medical and legal care, shelter, and social assistance. A number of dedicated shelters already exist and a new central one is near completion in the Interior Region. In collaboration with NGOs who are assisting in managing such shelters, there has also been an increasing public awareness of this crime. The Royal Oman Police and other authorities are involved in the provision of information, advice and support through toll-free hotlines to victims. Victims are allowed to stay in Oman until the completion of all legal proceedings if they wish to do so. The Committee for Combating Human Trafficking also collaborates closely with the National Human Rights Commission. There has been good progress in the efforts to combat human trafficking. This is indicated by a noticeable increase in the number of reported incidents, prosecutions and convictions

21. The National Committee for Combating Human Trafficking has prepared a national plan establishing procedures for providing assistance to the victims of trafficking. These efforts help identify the perpetrators and bring them to trial. An additional measure being considered to reinforce efforts in this regard is the establishment of a specialized department in the courts, solely dedicated to human trafficking cases. The national plan also focuses on the development of mechanisms for cooperation between the authorities concerned in both the public and private sectors.

### **3. International commitments**

22. International human rights treaties and conventions ratified by Oman are considered part of the law of the state and are enforceable. Furthermore, applicable laws in Oman should be consistent with the provisions of these treaties. In the event of conflict, the provisions of the international treaties and conventions prevail as they rank higher than domestic laws.

23. Although the Basic Statute of the State takes precedence over any other domestic law, statute or regulation, Articles 72, 76 and 80 of the Basic Statute stipulate that the Basic Statute shall be applied without prejudice to the treaties and conventions which Oman has concluded.

24. Oman has ratified four of the core international human rights treaties. Its first accession was to the Convention on the Rights of the Child in 1996 and its two Optional Protocols in 2004. This was followed by ratification of the International Convention on the Elimination of All Forms of Racial Discrimination in 2003, the Convention on the Elimination of All Forms of Discrimination against Women in 2006 and the Convention on the Rights of Persons with Disabilities in 2009. Oman reported to the Committee on the Elimination of Racial Discrimination in 2006 and to the Committee on the Rights of the Child in 2001 and 2006 as well as with regards to the two Optional Protocols in 2009. It also reported to the Committee on the Elimination of All Forms of Discrimination Against Women in 2009. Oman is committed to initiating a process towards considering acceding into more human treaties as well as the review of its current reservations.

25. Oman is also party to the Arab Charter on Human Rights which entered into force in 2004.

26. A full list of international human rights treaties which Oman has acceded to or ratified, as well as those that have been signed but not yet ratified is provided as Annex II to this report.

## **IV. Promotion and protection of human rights at the national level**

### **A. Economic, social and cultural rights**

27. The right to development, particularly human development, has been an established priority area for Oman over the past forty years. Oman has achieved notable progress in the field of economic, social and cultural rights, particularly in relation to women and children, and in the fields of health and education. The United Nations Development Programme's (UNDP) 2010 Human Development Report listed Oman at the top of the world's ten leading countries that have made the greatest progress in recent decades in education and public health. The report, titled "The Real Wealth of Nations: Pathways to Human Development," examined gains over 40 years in health, education and income, as measured by the Human Development Index (HDI).

#### **1. The right to the highest standards of attainable health**

28. The right to health is upheld in Article 12 of the Basic Statute of the State. Healthcare and treatment are provided free of charge to all citizens and to expatriates working in the government sector. Residents working in the private sector have access to all health services against payment of service charges. Employers bear the cost of providing healthcare to their expatriate employees, whether by direct payment or through participation in an insurance scheme.

29. Oman has realized significant achievements in health development over the past forty years. These achievements have resulted in Oman occupying the first rank in the world in the efficient use of health resources, and the eighth rank in the world with respect to the efficiency of the health system as a whole and rated amongst the top ten countries worldwide in the provision of comprehensive primary healthcare services, according to a report issued by the WHO in 2000.

30. Over the last three decades, life expectancy in Oman has increased from 57.5 years to 72.7 years. The same period has witnessed a decline in mortality rates from 13.3 deaths per 1000 inhabitants in 1980 to 3 in 2009.

31. The government funds over 80 per cent of the total health expenditure, one of the highest percentages globally. In 2010 expenditure on the Ministry of Health was RO 287 million which constituted 12 per cent of the total current expenditure. The health provision network throughout the country is extensive.

32. Given the negative social and economic impact of non-communicable diseases (NCD), Oman has adopted a holistic approach towards their management and control of their risk factors. Free treatment of NCD is afforded from the primary healthcare level to tertiary care facilities with rehabilitation and social integration of those affected. Legislation and enforcement of the regulations prohibiting smoking in closed, public places, tight control on industrial pollution and promoting a healthy lifestyle and diet are some of the measures that have been implemented. Oman has not only sponsored the NCD high level meeting at the United Nations but also has advocated the inclusion of NCD within the UN Millennium Development Goals.

33. Given the rapid development of rural areas and the expansion of road networks, car accidents represent about 34 per cent of the total causes of injuries among the inpatients of the hospitals of the Ministry of Health and the mortality rate due to road accidents represents about 16.2 per cent of total deaths (2009 statistics). Due to this high number of deaths caused by traffic accidents in Oman, the Sultanate has adopted several national and international road safety initiatives. Oman introduced a global initiative that was adopted and approved by the UN in 2003 as a universal document on road safety. The leading role of Oman in the field of safety on the road was commended in the Moscow Ministerial Statement in 2009. Oman is active in trying to find fundamental solutions to road safety and traffic safety is one of the government's top priorities.

## **2. The right to education**

34. Education in Oman is provided free of charge to all citizens up to the end of grade 12. In 1970 there were only three formal schools with 900 students in the whole country. Oman's national educational program expanded rapidly over the last four decades. In 2006–2007 about 563,000 students attended 1,053 public schools. The number of students in private schools is about 20,000. There are also extensive programs to combat adult illiteracy.

35. The 2006 Human Development Report found the literacy rate to be 81.4 per cent in adults (older than 15), up from 54.7 per cent in 1990. For the same period, the youth (15–24) literacy rate increased from 85.6 to 97.3 per cent. The Education sector has garnered a major share of the year 2010 governmental budget with an allocation of approximately RO 868.9 million which forms 35 per cent of the total current expenditure.

36. Oman's first university, the Sultan Qaboos University, opened in 1986. It has continued to expand, recently adding a law college. In total, there are about 20 public post-secondary education institutions in Oman, including technical colleges, colleges of applied sciences and health institutes. More than 350 full and partial-scholarships are awarded each year for studying abroad.

37. There are three private universities and 20 private post-secondary education institutions in Oman, including a banking college, a fire and safety college, a dentistry college, and business and management colleges, in addition to 174 training institutes and centres. Most of these public and private post-secondary education institutions offer 4-year degrees, while the remainder provide 2-year post-secondary diplomas. Since 1999, the government has embarked on further development in higher education designed to meet the needs of a growing population. In 2009, approximately 52.9 per cent of Omani high school graduates pursued post-secondary education.

38. Human rights education is an ongoing matter insofar as public education and the media are concerned. Whereas before 2003 human rights were being studied in schools on an ad hoc basis, this has been pursued in a more systematic way since 2003. Human rights concepts, values and principles are now taught in order to ensure that students practice these values in their daily lives.

39. The Ministry of Education's aim of introducing child rights and human rights in an integrated manner utilizes the 'Charter on Child and Human Rights Concepts'. Since the 2008–2009 school year, this has been introduced in grades 1–4 and informs the curriculum in a range of subjects including Islamic education and culture, Arabic language, social studies, life skills, science, mathematics, information technology, English language, school sports, music and arts. It is intended to expand this to grades 5–7.

### **3. The right to work**

40. Article 12 of the Basic Statute of the State emphasizes that every citizen has the right and freedom to pursue work of his/her choice.

41. The Civil Service Law (promulgated by Royal Decree 120/2004) gives equal rights and duties to those who hold public jobs, whether Omanis or not, male or female. This law regulates the relationship between the employee and the administrative unit and ensures job stability, a decent living and family stability for the employee. It also grants protection and essential securities to the employee throughout his/her career that lead to working in a safe and healthy environment. The employee has allowances for housing, electricity, water, telephone and transportation.

### **4. Women's rights and gender equality**

42. In taking a proactive stance in advancing women's rights, Oman has achieved 50 per cent participation of girls in school enrolments, women constitute 55 per cent of university students and some 30 per cent of the work force in the government sector and 19.3 per cent in the private sector – where many posts are taken by expatriate male workers.

43. Women have the right to vote, and enjoy equal opportunity to run for office. Four Omani women currently serve at ministerial rank (three are full cabinet members) and fifteen women serve on the State Council. There are also four women serving at ambassadorial rank, including Oman's current ambassadors to the USA and Germany. Women participate fully as equals in all spheres of life and are encouraged to do so by the government. Royal Decree 125/2008 amended the System of Entitlement to Government Land directing the Ministry of Housing to include women in government land grants which had previously only been awarded to men. Oman is committed to continuing to examine all areas of life in order to enhance the equality of Omani women, as ratification of the International Convention on the Elimination of All Forms of Discrimination Against Women has indicated. It is noteworthy that Oman amended its Law on Omani Passports to permit a woman to obtain a passport without requiring her husband's approval. Furthermore it is customary for women to keep their original family name upon marriage.

44. As education amongst women has risen, so has the average age of marriage – from 20.7 years for females and 24.7 years for males in 1993, to 25 and 28 years respectively in 2003. Fertility rates have fallen significantly over the past three decades – the total fertility rate falling from 10.13 children per woman of reproductive age (15–49 years old) to 3.3. Fertility decline is due to several factors namely the high rate of education especially for females, the increase in the marriage age and birth spacing. Services promoting birth spacing were introduced in Oman in 1994, due to the realization of the positive role it would play in reducing female mortality and morbidity and ensuring their health. These services are provided free of charge and outline a range of options for birth spacing. Existing data shows an increase in the percentage of women who space between pregnancies for a period of 3 years or more from 20.8 per cent in 1996 to 37.7 per cent in 2009.

45. Premarital services are provided in all regions, where couples who wish to marry are given medical examinations and receive guidance concerning genetic blood diseases. The Ministries of Health, Social Development, Education, represented by its Directorate General for Scouts and Guides, Endowments and Religious Affairs, and Information, as well as NGOs and associations such as the Omani Women's Association and the Directorate General for Scouts and Guides, collaborate in facilitating the dissemination of health messages about the link between genetic diseases and consanguineous marriages.

46. To encourage women into the labour force, the Labour Law (promulgated by Royal Decree 35/2003) ensures the protection of women by prohibiting their dismissal for reasons of sickness, pregnancy or childbirth. Women working in the government sector are entitled to maternity leave of fifty days with full pay for a maximum of five times throughout the duration of their service, in addition to unpaid leave of up to one year.

47. According to the Basic Statute, the family is the basis of society, and the Law regulates the means of protecting it, safeguarding its structure, reinforcing its ties and values, providing care for its members, and creating suitable conditions for the development of their aptitudes and capabilities. This is based on a firm belief that the family has a vital role to play in society and also on the fact that attention to the family leads to the wellbeing of society.

## **5. Children's rights**

48. Oman acceded to the Convention on the Rights of the Child in 1996 and both its Optional Protocols 2004. On ratifying the Convention, and as a testament to its good faith in giving effect to those commitments, the government established a National Committee Concerned with Following-up the Implementation of the Convention on the Rights of the Child, composed of representatives from different government authorities and civil society institutions. Oman has carried out numerous activities to promote awareness of its provisions. Oman's report was reviewed by the CRC Committee in 2001 and marked the first occasion in which Oman had appeared before a human rights treaty body. Its second periodic report was reviewed by the Committee in 2006. Its third and fourth periodic reports are due in 2012. The Sultanate has taken numerous steps in raising awareness of the provisions of the Convention, and is currently working on preparing a draft Law of the Child. In 2010, Oman lifted four of its reservations to the Convention and limited its fifth and only remaining reservation.

49. The Basic Statute of the State upholds education as a cornerstone of community progress. Oman has made education available and accessible to all.

50. Ministry of Health statistics show that infant mortality (less than one year old) has dropped from 118 per 1,000 live births in the early 1970s to 10.5 per 1,000 births in 2009, and that the under-5 mortality rate dropped from 181 to 11.7 in the same period. The data

shows no significant differences in mortality rates between Omani nationals and the expatriate community (10.5:9.7 for infants and 12.4:12.2 for under-5s).

51. Oman is also committed to strengthening certain areas of child protection. In relation to child abuse, for example, the Ministry of Health has begun monitoring cases, introduced a reporting system, is developing a reference guide and has conducted training courses for workers in health centres in investigating such abuse. The Ministry of Health is also collaborating with other ministries in proposing legal provisions for ensuring child protection.

52. The Labour Law includes provisions that prohibit those below the age of 15 from taking up employment or entering the workplace. The Labour Law prohibits the employment of under-18s for a period exceeding six hours per day. It is further prohibited to make under-18s work overtime, to work between 18.00 and 06.00, or to work during holidays or weekends.

## **6. Social security system**

53. The Social Security Law, promulgated by Royal Decree (87/84) on 3 November 1984, grants a monthly pension to individuals and families who have no source of income or financial support. The Law also covers all those segments of people who do not benefit from the retirement system, or whose retirement pensions do not satisfy the needs of the family. The beneficiaries of the system include orphans, widows, divorcees, prisoners' families and those unable to work due to an illness or disability. In addition to the monthly pension, the beneficiaries are exempted from government service fees. They also get service and in-kind assistance such as scholarships, social housing, and medical equipment for the disabled and sick persons. Over 52,000 cases benefit from the social security system.

## **7. Juveniles**

54. The Law on Juvenile Accountability (promulgated by Royal Decree 30/2008) has significantly advanced guarantees for juveniles. This Law defines a juvenile as any male or female under eighteen years old. This Law is directed towards reform and rehabilitation and provides for the establishment of special departments for the care of and rehabilitation of delinquent juveniles; for example the Juvenile Affairs Department, the Juvenile Guidance House, the Juvenile Supervision House in the Juvenile Police Unit and the Juvenile Reformation House. Juvenile cases are dealt with exclusively by specialized juvenile courts, and the Law stipulates that the trial of a juvenile shall be held in closed sessions in order to make sure that the future of the juvenile is not compromised.

## **B. Civil and political rights and fundamental freedoms**

### **1. Freedom of opinion and expression**

55. Articles 29 and 31 of the Basic Statute of the State guarantee the freedoms of opinion and expression, and the freedom of the press. Article 33 guarantees the right to form societies (i.e. NGOs or professional associations). These provisions, as well as the Press and Publication Law (promulgated by Royal Decree 49/84), provide the appropriate climate for the Omani press to practice this freedom responsibly. As Article 31 stipulates, it is prohibited to print or publish material that leads to public discord, violates the security of the state or abuses a person's dignity and his rights.

56. There is provision in the Press and Publication Law (amended by virtue of RD 87/2004) for the private sector to establish newspapers, publication houses, printing presses and advertising companies. The private sector can also establish, manage and operate

private radio and television broadcasting, in accordance with the Law on Private Radio and Television Establishments (promulgated by Royal Decree 95/2004) and its Executive Regulations issued by Ministerial Decision 39/2005. As regards websites, the Law only bans pornographic sites because they are inconsistent with the morals and traditions of society, and websites that are offensive to religions.

57. There are nine daily newspapers in Oman and some 80 daily, weekly, bi-monthly, monthly, quarterly and annual newspapers and magazines. The number of publishers stands at around 20 and more than 70 printing presses are in operation. There are a number of state-run radio and television channels as well as a state-owned electronic network (Omanet). The number of privately-owned radio and television channels amounts to three radio stations operated and broadcast via FM, and a 24 hour TV station.

58. In October 2010 "The Public Authority for Radio and Television" was established by (Royal Decree 108/2010). The Authority has legal personality, acts as a public authority, enjoys financial and administrative independence and carries out its activities as per commercial rules. This sector was previously under the Ministry of Information.

59. There are two major telecommunication and internet providers: Omantel which is a joint public-private company and Nawras which is a fully private sector operator. The number of internet users has increased dramatically from 12,000 users in 1996 to 1.5 million in 2010.

60. The Omani Journalist's Association was inaugurated in November 2004 and aims to spread awareness in relation to journalism and the media, to contribute to the flourishing of the Omani press, to enhance the professionalism of journalists and contribute to the protection of the principles of journalism based on the traditions of society, professional ethics and the upholding of the rights and interests of journalists. The Association has been accepted into the International Press Association. The Oman Writers' Association was inaugurated in October 2006 and aims to support literary and intellectual movements in Oman and freedom of thought, to encourage dialogue, to defend the writer's rights in co-operation with the competent authorities, to endeavor to promote cultural dialogue and exchange information and expertise with Arab, regional and international authorities.

61. The significance of this right in the Omani society is captured in the words of His Majesty Sultan Qaboos bin Said, when he emphasized during a visit to Sultan Qaboos University, in the year 2000, that, "Confiscation of thought is a major sin and we do not allow the confiscation of thought".

## 2. Nationality

62. Oman does not discriminate between those eligible for Omani nationality based on the grounds of *inter alia* their gender, colour, origin, religion or belief as long as they meet the necessary legal conditions.

63. Oman has procedures in place to deal with any difficulties related to nationality issues in order to preclude the phenomenon of statelessness. The Law Regulating the Omani Nationality (promulgated by Royal Decree 3/83) stipulates eligibility for Omani citizenship. Those eligible are granted Omani citizenship and have their rights guaranteed by law. Omani citizenship is granted by Royal Decree. The phenomenon of statelessness, "bedoon", is non-existent in Oman.

64. According to Article 36 of the Basic Statute, a foreigner can apply for political asylum and residence in Oman if facing persecution on political grounds, provided that this does not run counter to the general policy of the Sultanate, and until such time as those dangers have abated.

### 3. The rule of law

65. The Royal Oman Police and public Prosecution are bound by the Basic Statute of the State, the Police Law (promulgated by Royal Decree 35/90), the Law on Criminal Procedures (promulgated by Royal Decree 97/99) and other laws. These laws guarantee personal freedom and that no person shall be arrested, detained or imprisoned except in designated places and in prisons covered by health and social care schemes. No person shall be subjected to any physical or mental torture, inhuman or humiliating treatment. Any statement or confession shall be invalid if it is made under torture or even under the threat of torture. The accused shall be treated as innocent until he/she is proven guilty by law, and must not be physically or morally harmed. Any arrested person shall be informed of the reasons for his/her arrest immediately, and shall be given the right to contact whoever he/she wants. Consideration shall be given to the fact that the person and property of any expatriate in Oman is protected in accordance with the law. No person or residence shall be searched without the permission of a competent judicial authority.

### 4. The administration of justice

66. The Basic Statute of the State provides for the judiciary to have a supreme council that oversees the proper functioning of the courts and its auxiliary bodies. The Supreme Judiciary Council was established by Royal Decree 93/99 and is the highest judicial authority in the country, headed by His Majesty the Sultan. The Law of the Administrative Court (promulgated by Royal Decree 91/99) provides for the establishment of a council for administrative affairs whose terms of reference are determined in a manner that establishes and realizes the principle of the independence of courts and ensures judicial immunities granted to judges in order to uphold their independence and integrity.

67. The integrity and impartiality of the judicial system is evident in the fact that hearings are generally held in public in accordance with the provisions of Article 63 of the Basic Statute of the State. In all cases the pronouncement of verdicts are open sessions.

68. In order to ensure technical and professional integrity of legal procedures and their quality, the work of judges is subject to inspection as stipulated in the Law on Judicial Authority. In 2010, the Higher Judicial Institute was established by Royal Decree 35/2010, entrusted with enhancing the training of judges and public prosecutors, as well as more junior members of the judiciary. The Public Prosecutor conducts criminal proceedings on behalf of society, supervises criminal investigations and attends to the enforcement of criminal law, the pursuit of the guilty, and execution of judgments. The Public Prosecution Law (promulgated by Royal Decree 92/99) regulates the activity of the Public Prosecutor.

69. Thirty-three Mediation and Conciliation Committees have been established by the Ministry of Justice pursuant to the provisions of the Law on Mediation and Conciliation (promulgated by Royal Decree 98/2005). These Committees reflect the customs and traditions of Omanis in resolving disputes amicably out of courts.

### 5. The penal system

70. The concepts of reformation and deterrence lie at the heart of Oman's approach to penal policy.

71. The rights of inmates are addressed in the Law of Prisons (promulgated by Royal Decree 48/98). This Law refers in some detail to the Executive Regulations under the Law of Prisons (issued by Ministerial Decision 56/2009). For example, Article 5 of the Law of Prisons stipulates that no one shall be put in prison except with a written order from a competent judicial authority. The teaching of illiterate inmates is obligatory and the Prison Administration provides other inmates with vocational training. Inmates are encouraged to practice arts, crafts and other cultural activities. Education is provided for all prisoners to

the level of higher education. Religious practice is guaranteed by law as well as health and social care. As far as pregnant inmates are concerned, they shall enjoy special treatment in terms of food and the jobs assigned to them. The child's birth certificate shall not indicate his/her birth in prison or the fact of his/her mother being in prison. If a child is born in prison he/she shall, based on the mother's wish, stay with the mother until the age of two. At that age, or should the mother not want him/her to remain with her during that period, the father of the child shall have custody. Finally, inmates are released annually based on good behaviour and on humanitarian grounds.

72. Oman has established a new prison, the Central Prison at Sumail. This 600,000 square meters prison has the capacity for 4,000 beds and cost RO 52.896 million. It has 6 classrooms, 3 laboratories for computer-education, 3 reading rooms and 6 libraries containing nearly 20,000 books. It has 20 halls for various cultural, sport and entertainment activities and 4 rooms for conducting various workshops where inmates are trained to master a profession while serving their sentence. As for awareness and reformation programs for the inmates of the Central Prison, these include educational, health care, physical and religious activities. The new prison not only meets widely accepted human rights standards, but exceeds them.

## **6. Counter-terrorism**

73. In an effort to fight the global phenomenon of terrorism, Oman has passed the Law on Combating Terrorism (promulgated by Royal Decree 8/2007). This Law ensures implementation of the Arab Treaty for Combating Terrorism (ratified by Royal Decree 55/99), the Convention of the Organisation of the Islamic Conference on Combating Terrorism (ratified by Royal Decree 22/2002) and the GCC Convention on Combating Terrorism (ratified by Royal Decree 105/2005). The Sultanate has also issued the Law on Combating Money Laundering and the Financing of Terrorism (promulgated by Royal Decree 79/2010).

74. The Law on Combating Terrorism also provides for the re-formation of the National Committee on Combating Terrorism whose powers are defined by a resolution of the Omani National Security Council that supervises it.

75. Severe penalties are imposed on those who are proven to have established, funded or managed a terrorist organization as well as for other crimes committed in relation to terrorism.

## **7. Capital punishment**

76. In Oman, capital punishment is very rarely carried out. Furthermore its use is governed by numerous limitations and guarantees.

77. Capital punishment is only used in the most serious crimes, such as premeditated murder and serious drug trafficking crimes.

78. The record indicates that the overwhelming majority of capital punishment sentences are commuted. Procedures in place provide for numerous stages of review:

(a) First death penalty sentences are appealed by the Public Prosecutor as provided for in the Law on Criminal Procedures.

(b) Then the case file is sent to a panel consisting of the Adviser of State for Justice, the Adviser of State for Criminal Affairs and the Grand Mufti of the Sultanate of Oman to give their views on the case.

(c) The family of the victim has the opportunity to pardon the offender if they so wish.

- (d) An appeal made to the Supreme Court.
- (e) In the final analysis and in accordance with law, capital punishment can only be carried out with the approval of His Majesty the Sultan. In many cases clemency is granted.

## **C. Promotion and protection of the rights of specific groups**

### **1. The rights of persons with disabilities**

79. Oman ratified the Convention on the Rights of Persons with Disabilities in 2009. It is scheduled to report to the Committee in 2011.

80. These rights are upheld through the Law on the Welfare and Rehabilitation of the Disabled (promulgated by Royal Decree 63/2008), which extends to persons with disabilities the rights to *inter alia* health, education, employment and housing.

81. Oman guarantees the protection of children with disabilities from any activity that could be detrimental to their health and physical, mental, emotional or social welfare. Disabled children have the right to enjoy all the rights and privileges provided by the Law for the Welfare and Rehabilitation of the Disabled. They also have the right to early diagnosis and to obtain an official certificate approved by the competent authority attesting the type and nature of their disability.

82. The provision of quality healthcare to premature, underweight and disabled infants has led to an increase in infants' survival rates in the past three decades, which has resulted in the need for more services for children with disabilities. Most of these children suffer from genetic disorders that cause disability. The Ministry of Health, in collaboration with other government authorities and NGOs, endeavours to provide integrated healthcare for disabled children – from rehabilitation services, physical therapy, vocational rehabilitation, to services provided for hearing, sight and speech-impaired children.

### **2. Expatriate workers in the private sector**

83. The rapid pace of economic development witnessed by Oman and the growth of the economic activity of the private sector, as well as the rising number of its employees, was accompanied by a continuous process of updating its labour laws to keep pace with these developments.

84. In 2003, a new Labour Law was promulgated by Royal Decree 35/2003. It includes, provisions and terms of the employment of Omanis and expatriates, employment contracts, wages, leaves, working hours, employment of juveniles, employment of women and occupational safety and health, as well as provisions relating to the representation of employees, establishment of trade unions, and settlement of labour disputes.

85. In order to protect the rights of both employees and employers, the Law allows employers to recruit expatriates only after obtaining a permit from the Ministry of Manpower, which has established prerequisites to recruit such employees, including the conclusion of a written employment contract to be valid and have legal force. Such contract shall include the name of the employer and the organization and the address of the workplace, as well as information about the employee, his/her nationality, nature and type of work assigned to him/her, the contract duration, and the salary and other privileges and remuneration, in addition to other legal requirements.

86. The Law grants employees priority in obtaining their rights in case the establishment is shut down or declared bankrupt. The Law determines the mechanism by which wages are paid to employees and only permits the forfeiture or waiver of wages due to the employees

if the same is carried out according to the prerequisites stipulated by the Law. The Law also determines the employees' daily and weekly working hours and leaves of various types: annual, emergency, public holidays and weekends, in addition to overtime pay.

87. The Labour Law stipulates that an employee shall not work more than 9 hours a day with a maximum of 48 hours per week, and that one or more meal and rest breaks of not less than half an hour shall be allowed during the working hours so that the continuous working period would not exceed 6 hours. An employee shall also be entitled to overtime pay for any hours worked beyond his/her official working hours, or to leave in lieu of overtime hours worked.

88. Furthermore, the Law ensures protection and safety for the employees as work is banned in construction sites or in open areas during the midday hours, specifically between 12:30 p.m. and 03:30 p.m. during the months of June, July and August of every year in order to protect the employees and preserve their health.

89. Since the Labour Law did not include domestic helpers, Ministerial Decision 189/2004 regarding the employment rules and conditions of domestic helpers was passed in 2004. It covers the following:

- Their recruitment licensing requirements.
- Their employment contracts, medical examinations and labour cards.
- The employer's obligations to pay their monthly wages and to provide them with appropriate food and accommodation as well as medical care and air passage.
- Definition of their duties.
- Determination of a mechanism to settle the disputes that may arise between the employee and employer in a manner that protects their rights.

90. In 2006, Royal Decree 74/2006 was promulgated to amend the Labour Law with a view to granting employees in private sector establishments the opportunity to form trade unions in accordance with international labour standards. Members of these trade unions enjoy the necessary degree of independence and protection. Workers in Oman have the right of protest and collective bargaining as per the provisions of the Law. Accordingly, the following has been achieved:

(a) Registration and proclamation of (86) trade unions in the Sultanate (up to October 2010) that represent employees (Omanis and expatriates) in private sector establishments in various economic activities and sectors.

(b) Proclamation of the General Federation of Oman Trade Unions (GFOTU), by holding the founding conference on February 10, 2010, with the participation of representatives of the Arab Labour Organization, International Labour Organization, International Federation of Trade Unions, International Federation of Arab Trade Unions, the American Center for International Labour Solidarity, the Norwegian Federation of Trade Unions, and representatives of Arab labour unions. During this conference, the board of the General Federation of Oman Trade Unions and the members of the Financial Control Committee were elected. The Union includes all the trade unions in the Sultanate of Oman as members.

91. The Ministry of Manpower issued Circular 2/2006 in 2006. It stipulates that employers may only retain the passports of expatriate employees in execution of a court order. Furthermore, in order to facilitate dealing with documents within the country for expatriate employees and all residents, the Directorate General of Civil Status has started to issue resident cards to be used in all official procedures as an identification document so that they do not have to carry their passports all the time.

92. Six years after the issuance of the Labour Law of 2003, and in order to provide increased protection for the employee and the employer, the Labour Law was amended on October 31<sup>st</sup> 2009 by Royal Decree 63/2009. The amendments includes imposing stricter penalties on violators in order to regulate the recruitment and employment of expatriate manpower in the labour market so as to conform to legal provisions to prevent the occurrence of any case that may involve human trafficking or forced labour. Prior to the implementation of the new legal provisions, private establishments were granted a grace period to adjust their situations, during the period from November 15<sup>th</sup>, 2009 up to July 31<sup>st</sup>, 2010. This includes allowing the following:

(a) Transfer of expatriate employees from one establishment to another owned by the same employer, regardless of their occupation. (52,885) workers took advantage of this.

(b) Adjusting some job titles within an establishment in a manner that meets their requirements of expatriate employees. (48,318) workers took advantage of this. Such eased procedures have helped establishments correct the status of (101,247) expatriate employees.

93. Expatriate employees and those holding expired labour cards which were not renewed by December 31, 2009, were allowed to depart the Sultanate for good and exempted from all due fees and fines. The period during which employees may avail themselves of such Decision was set from February 2<sup>nd</sup> up to July 19<sup>th</sup> 2010 so that the expatriate employees would register their names with the designated authorities in full coordination with the relevant embassies in the Sultanate. 24,630 employees benefited from these measures.

*Additional measures and procedures*

94. In an attempt to improve the efficiency and develop the skills of labour inspectors, a set of training programs and courses was organized by the Ministry of Manpower in collaboration with the International Labour Organization. Inspectors were trained to monitor the implementation of labour legislations, ensure organizations and employees' adherence to the law and educate employees and employers about human trafficking as well as the ILO Declaration on Fundamental Principles and Rights at Work which provides a proper, healthy and sound work environment in private organizations. The Ministry of Manpower continues its monitoring and inspection operations on private sector institutions to monitor the extent of employers' compliance with the Law and relevant ministerial decisions. During 2007–2009, 160 new labour inspectors holding university degrees were appointed, including 12 females.

95. Another collaborative program with the ILO includes the National Program for Decent Work. In cooperation with the government, employers and employees develop employment, work relationships and dialogue between the parties to protect the rights of the employees and employers in accordance with international labour standards. This Program focuses on the promotion of technical education, vocational training and the setting up of new businesses. Furthermore it aims at promoting collective bargaining and dialogue between the parties, and enhancing social protection through extending social insurance cover and implementing occupational safety and health standards at work

96. The Ministry of Manpower has advanced its regulation of the work of expatriate labour recruitment offices in Oman and their co-ordination with recruitment agencies in the countries that supply manpower. The objective is the protection of employees' rights and prevention of forced labour and human trafficking.

97. In order to further develop collaborative efforts with the countries that supply manpower, many memoranda of understanding (MOU) in the field of labour have been signed with clauses stipulating exchange of information to prevent illegal recruitment of

manpower, combat human trafficking and forced labour. A committee, formed by both parties, reviews and implements the MOU and considers such information and submits its recommendations on them to the concerned authorities. Such MOUs have already been signed with Bangladesh, India, Syria, Vietnam and Morocco. MOUs are additionally to be signed with Egypt, Pakistan, Philippines, Sri Lanka, Tunisia, Uzbekistan and New Zealand.

98. A media campaign 'Na'mal' (We Work) was launched from March 15<sup>th</sup> 2009 to December 31<sup>st</sup> 2009 with a view to promoting awareness about labour legislation and rights, increasing production and developing friendly relationships between the employer and employee within Oman, in addition to educating the employees and employers about their duties and rights according to the Law.

99. Guidance Manuals have been drafted and published in 14 languages and distributed to expatriate employees who come to work in Oman, with a view to providing them with comprehensive information about their rights in a manner that contributes to providing them with care and protection, including reference to negative practices that result in cases of human trafficking.

100. A twenty-four hour hotline service has been provided to record comments, complaints and reports regarding the Labour Law, any violations and executive regulations in relation to domestic workers and expatriate workers at the toll-free number 80077000.

101. Oman continues to work, in cooperation and consultation with AGCC states (Arab Gulf Cooperation Countries) and other states, on devising and developing rules, procedures, best practises and alternatives to the so called Sponsorship System. Such efforts are aimed at better organising the employer-employee relationship and to reinforce the measures taken to eliminate any occurrence of forced labour and human trafficking.

102. Oman is currently preparing new rules and procedures that secure the rights of employers and provide expatriate employees with the freedom to move, work and change occupation according to the requirements of the labour market for manpower and at a flexibility level that supports the procedures taken by to eliminate forced labour and its efforts to combat human trafficking

103. Ministerial Decision 99/2010 formed a Social Dialogue Committee that includes representatives of the three production parties (government, employers, employees) with the aim of examining regional and international standards in enhancing the social dialogue in a manner that serves the labour relationships between the production parties. This Committee will direct the efforts of social partners in the labour market to increase production reinforce competitiveness, achieve balance and harmony between the interests of employees and employers in a manner that reinforces the national effort to attain comprehensive and sustainable development.

## **V. Good practices, initiatives and technical assistance**

104. Oman has taken the initiative to address certain human rights issues. As indicated earlier in this report, the Sultanate has, for example, played an international role in initiating a global initiative on road safety and will continue its work in this area. Oman has also been active in highlighting at the international level the importance of combating communicable and non-communicable diseases.

105. Oman has addressed the scourge of human trafficking and the nationality issue responsibly. It is pleased to note the non-existence of the "bedoon" issue in the country. Other human rights issues have risen due to the presence of an increasing number of expatriate workers in the country, and in this regard a number of positive steps have been taken. The government introduced a moratorium for overstaying illegal expatriate workers

in 2009 and offered a grace period for expatriate workers to change jobs in preparation for the implementation of the new amendments to the Labour Law. There have also been improvements in the work conditions of expatriate workers, not allowing them to work outside in excessive heat, providing a hotline for complaints, building up a labour inspection regime to monitor compliance with the laws, witnessing a surge in the establishment of trade unions and availing them of their rights both through MOUs and the issuance of guidance manuals. Oman hopes that these experiences will be helpful to other member states.

106. Designating October 17 as Omani Women's Day. In implementation of the directives of His Majesty, a three-day symposium on Omani women was held on 17 to 19 October 2009. The symposium, chaired by Her Excellency the Minister of Higher Education, Dr Rawya bint Saud al Busaidiya, was attended by ministers, under-secretaries, members of Majlis Addawla and Majlis Ash'shura, experts, representatives of the private sector and civil society institutions and a large gathering of women and those concerned with their status in the sustainable development process. The aim was to draft recommendations for the formulation of specific working plans and future visions geared towards the recognition of the role and contribution of women as full partners in nation-building, eliminating any misconceptions or negative practices hindering women's participation in Majlis Ash'shura elections and addressing any difficulties obstructing the expansion of women's participation in all spheres of public life. In conclusion of the symposium, the following recommendations were adopted and were endorsed by His Majesty:

### **First: laws and programs related to women**

- Studying and reviewing policies and programs related to women with a view to enhancing planning in accordance with the unfolding social and economic developments.
- Issuing of memoranda to explain, interpret and apply legal provisions cited in local laws on women and the family.
- Issuing the Law on the Alimony Fund to organise the absolute rights of livelihood of women and children in case of divorce – so that divorce should not negatively impact their living conditions, their health or the education of children. This is to avoid having the full burden falling on the mother alone.
- Allocating departments in courts to look after family welfare.
- Working towards the development of women's potential to work as judges.
- Setting up consultative centres for women, families and marriage guidance.
- Issuing a law for organising voluntary work.

### **Second: development of skills for the participation of women in majlis ash'shura**

- Designating October 17 as Omani Women's Day.
- Drafting and executing training programs for the development of skills towards women's participation in Majlis Ash'shura.
- Utilising Omani Women's Associations as constituency for election campaigns.

### **Third: reinforcing women's participation in the workplace and in economic projects**

- Increasing women's participation in economic activity through technical support in managing personal and collective projects and through marketing of their products.
- Encouraging women to maximise benefits from the opportunities made available in small and medium enterprises.
- Including girls in vocational specialisations at government vocational training centres and introducing new specialisations for women therein.
- Enabling disabled women to benefit from training and employment opportunities by establishing rehabilitation centres throughout the country following the example of the Centre for the Rehabilitation of the Disabled in the capital city.
- Providing marketing outlets to serve women's economic projects offering marketing services for women's projects in local and regional trade fairs and in websites.
- Urging the private sector to adopt small projects through partnership between the private sector and women owners of small projects where women can be trained and their products marketed.

### **Four: financing and encouraging social initiatives in implementation of the principle of social partnership between different sectors**

- Establishing a special fund for the support of voluntary work institutions.
- Encouraging private companies and institutions to include the concept of "Corporate Social Responsibility" in their developmental plans with a view to achieving a balance between commercial and social aspects.

### **Five: reinforcing the culture of voluntary work through public awareness and promotional programs**

### **Sixth: increasing capacity building in areas related to the affairs of women, family and society**

107. Oman is committed to continue to develop and improve its record and performance in protecting and promoting human rights. It is keen to learn from the best practices of other states and exchange experiences with them.

108. Oman's modern human rights infrastructure is still in the process of development and the government would welcome the technical expertise of the Office of the High Commissioner for Human Rights and other bodies in capacity building in advancing this progress.

## **VI. Voluntary pledges**

### **The Sultanate of Oman pledges to:**

109. Continue to consider entering into the International Covenant on Economic, Social and Cultural Rights.

110. Continue to consider entering into the International Covenant on Civil and Political Rights.
111. Undertake a periodic review of its reservations to other international human rights treaties.
112. Advance its National Human Rights Commission in a manner consistent with the Paris Principles.
113. Continue its work on the promotion and protection of human rights and strengthening the environment within which civil society operates and will specifically consider amending its Law on National Associations (promulgated by Royal Decree 14/2000) whenever necessary.
114. Review a number of ILO-related human rights treaties with the view to signing them. These ILO conventions include:
- Convention No. 87 on the Freedom of Association and Protection of the Right to Organize (1948)
  - Convention No. 98 on the Right to Organize and Collective Bargaining (1949)
115. Ensure bringing into force the Omani Law of the Child in pursuit of its national strategy on children and in line with its CRC obligations.
116. Continue the integration of human rights education in the remaining grades in schools.
117. Establish a follow up committee to review all recommendations made during the review process with a view to forming a national plan of action for the next four years.
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