

Status of Religious Freedom in Oman for the 2020 Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding religious persecution in Oman for the 2020 Universal Periodic Review (UPR).

Background

2. Oman home to 4.6 million people, and is a majority Muslim country with nearly 86% of the population practicing Islam. In contrast, Christianity is practiced by less than 7% of the population, Hinduism by 5.5%, and Buddhism by less than 1%. Despite provisions in its constitution that prohibit discrimination based on religion and protect the freedom to practice one's religion, Oman was recently ranked by a human rights watch group as the 42nd worst place in the world to live for Christians¹. This ranking is partly due to the fact that Islam is the official religion of the State and all legislation is based on Islamic law. As a result, Oman has introduced laws that criminalise speech and activity that goes against Islam². Moreover, converts from Islam to Christianity are put under extreme pressure from family and society to recant their faith, especially since proselytising in public is illegal. As a result, Christian organisations and activities are highly monitored by the government.

3. During the previous UPR cycle, many countries stated that it is critical that Oman work to ratify the International Covenant on Civil and Political Rights (ICCPR)³. Currently, Oman's laws undermine the right to religious freedom and they must revise their laws and ratify the ICCPR to guarantee protections for religious freedom. Despite numerous suggestions and encouragement to do so, Oman has taken no measurable steps toward ratification.

4. In addition, Oman rejected 12 recommendations from the previous UPR cycle as they were "inconsistent with divinely revealed religions and with its national legislation and cultural values"⁴. In 2018, Oman took further efforts to restrict religious freedom by passing a revised penal code that establishes mandatory prison sentences for acts that are seen as contrary to the pillars of Islam⁵.

5. However, Oman has ratified and acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁶.

Legal Framework

6. Article 2 of Oman's Constitution establishes Islamic Sharia as the basis for all legislation and Islam as the official religion of the State⁷. Article 28 states that "[t]he freedom to practice religious rites according to recognised customs is protected, provided it does not violate the public order or contradict morals"⁸.

7. Article 5 of the CERD, to which Oman became a party in 2003, states:

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to *guarantee the right of everyone*, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(vii) The right to freedom of thought, conscience and *religion*⁹.

While these legal provisions exist to protect the fundamental human right of religious freedom, Oman has adopted other laws that both threaten and undermine those protections

8. As stated above, in 2018, Oman adopted a new penal code. Part Eight of Chapter 1 of the newly revised Omani Penal Code imposes strict punishments on anything that is seen as opposing Islam or proselyting. Article 271 of the penal code imposes a sentence ranging from one to three years imprisonment for anyone who “calls or participates in the preparation of a meeting with the purposes of opposing or disparaging the pillars upon which the religion of Islam is based or calling for another religion”¹⁰. Article 272 provides imprisonment and/or fines for possessing and distributing “documents, publications, or recordings, or any other effects, containing an opposition or disparagement of the pillars upon which the religion of Islam is based, or containing a call to another”¹¹.

Laws Restricting Religious Freedom Are Problematic

9. These laws are extremely concerning, especially given how broadly “opposing or disparaging the pillars upon which the religion of Islam is based” can be interpreted. Under this new penal code, religious literature and even speech that advocates that Allah is not the one true god could be viewed as disparaging the pillars of Islam. As a result, this prevents and could even imprison anyone who professes that Allah is not the one true god. The basic tenants of Christianity require its adherents to believe in God – the Father, the Son, and the Holy Spirit. Furthermore, Christians are called to share their faith with others. Thus, Christians in Oman face social and governmental pressure and even time in prison for simply living out their Christian faith. If a Christian were to share their belief in Jesus as the Son of the one and only true God, this could be called disparaging and undermining of Islam, subjecting that Christian to the criminal law. Other countries who have adopted similar laws provide many examples of how this law is misused to target and discriminate against Christians.

10. For example, under Russia’s anti-evangelism laws, two Baptists were punished for simply offering religious literature to bystanders at a bus stop¹². Similarly, in Nepal in 2019, four Christians were arrested on suspicion of proselytising. Police seized their Bibles as well as money to use as evidence that they were enticing others to convert to Christianity¹³. One of the Christians arrested, a United States Citizen, was deported. Then, in August 2019, a South Korean Christian was arrested and charged with “attempting to convert” by distributing religious leaflets and Bibles¹⁴. He has since been released on bail¹⁵. Clearly, Oman’s criminal laws are problematic as they run contrary to Oman’s constitutional provision for the protection of religious freedom, as well as its commitment to international law – the CERD – and its protection of religious freedom.

11. Furthermore, all religious groups are required to register with the Ministry of Endowments and Religious Affairs (MERA). However, MERA offers no guidelines or criteria for obtaining registration¹⁶. MERA also requires that all religious literature and publications be approved¹⁷. Additionally, non-Muslim religious groups are only permitted to worship on land that has been designated by the Sultan for worship¹⁸. This restriction prohibits the free and public exercise of religion.

12. By way of example, in Mongolia they also require religious groups to register with the national government but lack uniform guidelines. This leaves many decisions such as length of registration process, up to local authorities¹⁹. Because part of this registration process is done at the local level, some organisations have little to no problem, while others have reported that the government inconsistently applies regulations and frequently changes requirements with little to no notice²⁰. As a result, some religious organisations face greater difficulty obtaining registration than others, simply based on their location²¹.

Conclusion

13. In order for Oman to respect and protect the fundamental rights of all persons to freely worship their chosen religion, it is critical that Oman work to reform and repeal their laws criminalising those who go against Islam and promote another religion. It is also important that Oman allow for all religious groups to be able to openly and freely practice their faith in public. Finally, it is critical that Oman adhere to its commitment to the international treaties it has signed, and uphold the principles enshrined in those treaties.

¹ *World Watch List: Oman*, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/oman/>

² *Id.*

³ *Database of Recommendations*, UPR-INFO, https://www.upr-info.org/database/index.php?limit=0&f_SUR=9&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly (last visited 19 Mar. 2019).

⁴ National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21 Oman, *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/203/98/PDF/G1520398.pdf?OpenElement>.

⁵ BUREAU OF DEMOCRACY. H.R. AND LAB., U.S. DEP'T OF STATE, OMAN 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT (2018).

⁶ *Ratification Status for Oman*, OHCHR.org, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=130&Lang=EN (last visited 16 Mar. 2020).

⁷ OMAN'S CONSTITUTION OF 1996, Art. 2, *available at* https://www.constituteproject.org/constitution/Oman_2011.pdf?lang=en.

⁸ *Id.*

⁹ International Convention on the Elimination of All Forms of Racial Discrimination, 21 Dec. 1965 (emphasis added).

¹⁰ OMANI PENAL CODE, art. 271.

¹¹ *Id.* at art. 272.

¹² Victoria Arnold, *Russia: 159 Known "Anti-Missionary" Prosecutions in 2018*, FORUM 18, (6 May. 2019), http://www.forum18.org/archive.php?article_id=2474.

¹³ *Foreign Christians Arrested on Charges of "Converting" in Nepal*, CHRISTIAN HEADLINES, (8 Aug. 2019), <https://www.christianheadlines.com/blog/foreign-christians-arrested-on-charges-of-converting-in-nepal.html>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ BUREAU OF DEMOCRACY. H.R. AND LAB., U.S. DEP'T OF STATE, OMAN 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT (2018).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, MONGOLIA 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT (2018).

²⁰ *Id.*

²¹ *Id.*