

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION 69TH SESSION SULTANATE OF OMAN, (INITIAL REPORT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION)

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Information submitted to the Committee

The Sultanate of Oman ratified the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention) in April 2003 and submitted their initial report¹ to the Committee on the Elimination of Racial Discrimination (the Committee) in October 2005.

The report detailed many of the legislative and political developments that have occurred in the Sultanate with a particular focus on the position of women. Of particular note was the State's claim that "cases of racial discrimination are non-existent in the Sultanate". The Committee appeared to be skeptical of this statement, reminding the delegation that this was a process of self-analysis, not judgment. Such comments, and the subsequent explanation to the Committee, seemed to indicate that the delegation was only reporting on direct discrimination by the State rather than indirect, such as discrimination by omission. Further, the report stated that as the Constitution is: "deeply rooted in the Omani society, and which condemns segregation and discrimination among people", racial discrimination does not exist in Oman. The Committee challenged this position.

¹ CERD/C/OMN/1, available at <http://www.ohchr.org/english/bodies/cerd/cerds69.htm>.

There were no statements submitted by non government organisations (NGOs). The delegation stated that while NGOs are not prohibited, the Sultanate of Oman does not have a very large or active civil society. One association dedicated to women's rights did participate in the drafting of the report.

Themes and issues

The discussion between the Committee and the delegation proved to be frustrated by a lack of common understanding regarding the meaning of discrimination and ethnicity. Statistical data did not categorize ethnicity or minorities, which did not allow good analysis regarding the level of discrimination. The delegation primarily relied on legislation to prove that discrimination did not exist. The main issues were: the denial of diversity; foreign workers; and the acquisition of citizenship.

The denial of diversity

The Committee requested the delegation to provide updated data on the ethnic characteristics of the Omani population. The delegation reported that racial classification does not exist in Oman, since everybody lives in harmony and peace, without discrimination. The Sultan of Oman issued a decree, banning the word 'minority' to prevent any kind of discrimination. The Committee was skeptical of the effectiveness of such a decree.

The Committee rapporteur on Oman (Mr Avtomonov) commented that numerous ethnic groups live in Oman. These groups have different languages, traditions and customs to the majority Muslim population. While he had no reason to doubt that all citizens are treated equally before the law, Mr Avtomonov stated that such conditions are often pre-requisite for discrimination.

The Council advised the delegation against claiming that there is no racial discrimination in Oman. While the State may not have an official policy of discrimination, violations can still occur indirectly.

The debate between the delegation and the Committee became one of definition. The Sultanate of Oman could not produce any statistics on the ethnic composition of the State because they did not recognize ethnicity. They stated that a single Omani family could contain seven or eight different tribal origins. However, they added that this did not mean that they are minorities or have any fewer rights. They are part of the fabric of a delicately woven society.

Foreign workers

Approximately 24% of the population of the Sultanate of Oman is currently made up of non-citizens. The Committee doubted that this significant percentage of the population enjoyed the same equal rights as normal citizens. The delegation responded by claiming that every foreigner who is legally residing in the Sultanate has full enjoyment of their rights, including access to education and health care.

When the Committee asked for statistical data on employment discrimination, the delegation stated that discrimination does not exist. Upon further explanation, the delegation explained that the Sultanate of Oman has an open and free market, which allows employers to select their workers based on their skills, rather than their race. The Committee did not follow up with a question.

The delegation did concede that these workers had limited political rights. Foreign workers are mostly employed on a fixed term contract and could not vote or stand for election. However, recent changes to the legislation have allowed for the creation of trade unions to supervise the working conditions of all persons employed in Oman.

The Committee noted the provision in the legislation, which requires foreigners residing in Oman to “have regard for society’s values and respect its traditions and customs”. This requirement was never completely explained by the delegation. A Committee member, Mr Lindgren-Alves, asked the delegation if they thought this law would be appropriate for foreigners entering Europe. In response, the delegation commented that it is always preferable for a person to respect the customs and traditions of a country if they wish to live there. They stated that all countries have requirements for people who live in their country and that the Sultanate of Oman is similarly entitled to define these requirements.

The acquisition of citizenship

The delegation’s report indicated that nationality is usually acquired from an Omani father. If a child’s father is unknown, citizenship can be granted if the mother is Omani. Children born in Oman with unidentifiable parents can also acquire Omani citizenship.

When the Committee questioned this policy, the delegation responded by stating that this was not discrimination. They argued that States grant nationality upon certain prescribed conditions. The delegation pointed out that it is not discrimination if a person does not meet these requirements.

Conclusions and next steps

The general tone of the deliberations between the delegation and the Committee was generally cooperative and non-confrontational, despite the fundamental differences in approaches to understanding, identifying and preventing racial discrimination. The session concluded with the delegation not conceding that racial minorities do exist in the Sultanate of Oman, which accordingly impedes the possibility of gathering accurate data on discrimination.

The Committee appeared to be patient with the delegation and attempted to explain the importance of such data. They were convinced by the delegation’s claims about the rights of women because they provided statistics on female participation in the workforce and in the Government.

The delegation extended an invitation to visit the Sultanate of Oman at any time in order to demonstrate their willingness to maintain its spirit of cooperation with the Committee.

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The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

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