



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
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Geneva, 31 July - 18 August 2006

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

OMAN

1. The Committee considered the initial periodic report of Oman, due in 2004 (CERD/C/OMN/1), at its 1768th and 1769th meetings (CERD/C/SR.1768 and 1769), held on 7 and 8 August 2006. At its 1781st and 1782nd meetings (CERD/C/SR.1781 and 1782), held on 16 and 17 August 2006, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial periodic report submitted by Oman and the opportunity thus offered to initiate a constructive dialogue with the State party.

3. The Committee appreciates the attendance of a high-level delegation and the efforts it made to respond to the questions posed by Committee members. The Committee also notes with appreciation the delegation's assurances relating to the willingness of the State party to pursue the dialogue with the Committee.

4. The Committee notes, however, that the report does not fully comply with the reporting guidelines. While the report provides general information on the laws and regulations and the court system, only limited information was provided on the socio-economic situation of the various ethnic groups living in the territory of the State party and on the practical implementation of the Convention.

B. Positive aspects

5. The Committee notes with satisfaction the efforts made by the State party to submit its initial periodic report in time.

6. The Committee welcomes the recent accession of Oman to the Convention on the Elimination of All Forms of Discrimination against Women.
7. The Committee welcomes steps taken by the State party to guarantee that Omani women exercise all human rights and fundamental freedoms on a basis of equality with men.
8. The Committee notes with satisfaction that the Omani Labour Code affirms the equality of all workers, without any discrimination based on nationality, gender, religion or any other distinction.
9. The Committee welcomes information included in the report concerning the inclusion in school curricula of courses designed to combat racial discrimination and to promote human rights, understanding and tolerance among individuals and groups of different ethnic origins or religious beliefs.
10. The Committee also welcomes the statement made by the delegation that Oman is currently considering acceding to the 1951 Convention relating to the Status of Refugees and to the International Covenant on Economic, Social and Cultural Rights.

C. Concerns and recommendations

11. The Committee takes note of the discrepancy between the State party's assertion that Omani society is ethnically homogeneous, and information that the population includes various ethnic groups, including Balochi, Swahili-speaking Omanis born in Zanzibar and other regions of East Africa, Liwadiyah and Jibalis, as well as a large number of migrant workers from the Indian subcontinent, the Philippines and other Asian countries.

The Committee draws the attention of the State party to its general recommendation 24 (1999) on article 1 of the Convention, as well as to paragraph 8 of its reporting guidelines, and recommends that disaggregated statistical data on the ethnic composition of its population be provided.

12. The Committee notes that article 17 of the Basic Law of the State, on equality and non-discrimination, does not include "race", "descent" and "national or ethnic origin" among the prohibited grounds of discrimination (art. 1).

The Committee recommends that the State party review the definition of discrimination set out in article 17 of the Basic Law of the State with a view to extending the list of prohibited grounds of discrimination in accordance with article 1, paragraph 1, of the Convention.

13. The Committee regrets that the report does not include sufficient information on the measures enacted at the national level to implement the obligations set out in article 2, paragraph 1, of the Convention (art. 2 (1)).

The Committee recommends that the State party include in its next periodic report detailed information on the legislative, judicial, administrative or other measures adopted to give effect to the provisions of article 2, paragraph 1, of the Convention.

14. The Committee is concerned that the scope of article 130 bis of the Omani Criminal Code - which “incriminates any call for racial discrimination in the context of promoting religious or sectarian conflicts” - does not ensure effective punishment of acts of discrimination pursuant to article 4 (a) of the Convention (art. 4 (a)).

The Committee recommends that the State party adopt comprehensive legislation to prevent, prohibit and punish racial discrimination pursuant to article 4 (a) of the Convention.

15. The Committee takes note with concern that in its report, the State party maintains that it has no need to take any measure pursuant to article 4 (b) of the Convention to ban the formation of organizations that promote and incite racial discrimination, on the ground that such organizations do not exist on its territory (art. 4 (b)).

Bearing in mind its general recommendation 15 (1993) on organized violence based on ethnic origin and general recommendation 7 (1985) relating to the legislation to eradicate racial discrimination, the Committee recommends that the State party take the necessary steps to satisfy the requirements of article 4 (b) of the Convention.

16. The Committee is concerned that article 17 of the Basic Law of the State provides that only “citizens” are equal before the law and entitled to exercise public rights without any discrimination based on gender, origin, colour, language, religion, sect, domicile or social status (art. 5).

The Committee draws the attention of the State party to its general recommendation 30 (2004) on non-citizens, and recommends that the State party revise its legislation in order to guarantee equality between citizens and non-citizens in the enjoyment of the rights set forth in the Convention to the extent recognized under international law.

17. The Committee notes that the report does not provide sufficient information with regard to the measures adopted to ensure the equal effective enjoyment of the rights set forth in article 5 of the Convention by members of the various ethnic groups and migrant workers living in the territory of the State party (art. 5).

The Committee requests that the State party provide in its next periodic report detailed information on the legislative, judicial, administrative and other measures adopted to give effect to article 5 of the Convention with regard to the various ethnic groups and migrant workers living in its territory.

18. The Committee is concerned that the Omani Nationality Law does not grant citizenship to children of Omani women married to non-nationals, as it does where the father is Omani. The Committee is concerned that this may lead to a situation of statelessness (art. 5 (c) (iii)).

Bearing in mind general recommendation 30 (2004) on non-citizens, the Committee urges the State party to review its legislation on the acquisition of Omani nationality in order to ensure that both parents are allowed to transmit their citizenship to their children. In addition, the Committee recommends that

the State party accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.

19. The Committee notes the information included in the report regarding the remedies available in the State party to persons who claim to be victims of acts of racial discrimination, as well as the additional information provided by the delegation regarding the right to compensation set out in article 58 of the Omani Criminal Code. It regrets, however, that the report contains no information on the number and nature of cases relating to racial discrimination brought before the Omani courts, on their outcome and on compensation awarded to victims.

The Committee requests that the State party include in its next periodic report detailed information on remedies available to victims of acts of racial discrimination, as well as statistical information on prosecutions launched, and penalties imposed, in cases of offences which relate to racial discrimination, and where the relevant provisions of the existing domestic legislation have been applied. The Committee points out that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests the State party to inform the public about all legal remedies in the field of racial discrimination.

20. The Committee notes that no response was provided by the delegation concerning the establishment of a national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex).

The Committee recommends that the State party consider the establishment of a national human rights institution in accordance with the Paris Principles. The Committee requests the State party to include information in this regard in its next periodic report.

21. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and urges it to consider doing so.

22. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this regard, the Committee refers to resolution 59/176 of 20 December 2004, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

23. Bearing in mind the high proportion of migrant workers living in the territory of the State party (23.9 per cent of the population), the Committee recommends that the State party accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

24. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2-7 of the Convention, and that it include in its next periodic report specific information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

25. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized.

26. The Committee recommends that the State party consult widely with organizations of civil society working in the area of combating racial discrimination, in connection with the preparation of the next periodic report.

27. The State party should, within one year, provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 11 and 15 above, pursuant to paragraph 1 of rule 65 of the Committee's rules of procedure.

28. The Committee recommends that the State party submit its second, third and fourth periodic reports in a single document, due on 2 January 2010, and that the report be comprehensive and address all points raised in the present concluding observations.

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