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U.S. Department of State

Oman Country Report on Human Rights Practices for 1998

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OMAN

The Sultanate of Oman is a monarchy which has been ruled by the Al Bu Sa'id family since the middle of the 18th century. It has no political parties or directly elected representative institutions. The current Sultan, Qaboos Bin Sa'id Al Sa'id, acceded to the throne in 1970. Although the Sultan retains firm control over all important policy issues, he has brought tribal leaders--even those who took up arms against his family's rule--as well as other notables into the Government. In accordance with tradition and cultural norms, much decisionmaking is by consensus among these leaders. In 1991 the Sultan established the 59-seat Consultative Council, or Majlis Ash-Shura, which replaced an older advisory body. The Government selects Council members from lists of nominees proposed by each of the 59 wilayats (regions). After the first national census in 1993, the Sultan expanded the membership of the new Council to 80 seats. In 1997 it was expanded further to 82 seats. The Council has no formal legislative powers but may question government ministers, even during unrehearsed televised hearings, and recommend changes to new laws on economic and social policy, sometimes leading to amendments to proposed decrees. In December 1997, the Sultan appointed 41 persons as members of the new Council of State (Majlis Al-Dawla), which with the current Consultative Council forms the bicameral body known as the Majlis Oman (Council of Oman). In late 1996, the Sultan promulgated by decree the country's "Basic Charter (also known as the Basic Law)," which provides for citizens' basic rights in writing for the first time. The courts are subordinate to the Sultan and subject to his influence.

The internal and external security apparatus falls under the authority of the Ministry of Palace Office, which coordinates all intelligence and security policies. The Internal Security Service investigates all matters related to internal security. The Royal Oman Police, whose head also has cabinet status,

performs regular police duties, provides security at airports, serves as the country's immigration agency, and maintains a small coast guard. There are credible reports that security forces occasionally abuse detainees.

Since 1970 Oman has used its modest oil revenue to make impressive economic progress and improve public access to health care, education, and social services. Oman has a mixed economy with significant government participation in industry, transportation, and communications. The Government seeks to diversify the economy and stimulate private investment.

The Government continues to restrict or deny important human rights. Human rights abuses include arbitrary arrest, mistreatment of detainees, prolonged detention without charge, and the denial of due process. The Government restricts freedom of expression and association and does not ensure full rights for workers and women. As a practical matter, citizens do not have the right to change their government.

The 1996 Basic Charter provides for many basic human rights, e.g., an independent judiciary, freedom of association, speech, and press. The Basic Charter states that the Government was to strive to issue all enabling laws within 2 years of November 1996. This has not occurred; only certain laws pertaining to the legal code for family and interpersonal relationships, and to aspects of the Finance Ministry, had been enacted by year's end. It is expected that the implementation period may extend to 2000, and possibly beyond. There has been no public statement made by the Government noting the end of the 2-year period since issuance of the Basic Charter and proposing a new final date for implementation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Security forces abuse some detainees, particularly during interrogation. The abuse does not appear to be systematic and often varies depending upon the social status of the victim, the official involved, and the location of the incident (e.g., whether it occurs in a rural or an urban area). Despite reported official efforts to prevent such abuse, incidents still occur. Security officials sometimes beat detainees but are often careful to conceal evidence of abuse by employing such tactics as restricting blows to less visible areas of the body. Detainees are sometimes left in isolation with promises of release or improved treatment as a further means to elicit confessions or information. Although judges have the right to order investigations of allegations of mistreatment, there is no recent evidence that any officer has been punished for abusing detainees. The 1996 Basic Charter, yet to be implemented in this area, specifically prohibits "physical or moral torture" and stipulates that all confessions obtained by such methods will be considered null and void. There were no reports of torture during the year.

The Government does not permit independent monitoring of prisons. Nevertheless, prison conditions appear to meet minimum international standards. Access to some prisoners is severely restricted.

d. Arbitrary Arrest, Detention, or Exile

The police may obtain warrants prior to making arrests but are not required by law to do so. The authorities must obtain court orders to hold suspects in pretrial detention. Within

24 hours of arrest, the police are required to file charges or ask a magistrate judge to order continued detention. In practice, however, the police do not always follow these procedures. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There is a system of bail. The 1996 Basic Charter provides for certain legal and procedural rights for detainees; however, these provisions have yet to be implemented.

Police handling of arrests and detentions constitutes incommunicado detention in some instances. The police do not always notify a detainee's family or, in the case of a foreign worker, the worker's sponsor of the detention. Sometimes notification is made only just prior to the detainee's release. The authorities post a list of persons scheduled for trial near the magistrate court building in Muscat. The police do not always permit attorneys and family members to visit detainees. Judges occasionally intercede to ensure that security officials allow such visits.

The Government does not practice exile as a form of punishment. The 1996 Basic Charter prohibits exile; however, the provisions concerning exile have yet to be implemented.

e. Denial of Fair Public Trial

The 1996 Basic Charter affirms the independence of the judiciary; however the various courts are subordinate to the Sultan and subject to his influence. The Sultan appoints all judges, acts as a court of final appeal, and intercedes in cases of particular interest, especially in national security cases. However, there have been no reported instances in which the Sultan has overturned a decision of the magistrate courts or the commercial court.

The judiciary comprises the magistrate courts, which adjudicate misdemeanors and criminal matters; the Islamic, or Shari'a, courts, which adjudicate personal status cases such as divorce and inheritance; the commercial court; the Labor Welfare Board; and the Rent Dispute Committee, which hears tenant-landlord disputes.

In May 1997, the Government promulgated into law the provisions of the 1996 Basic Charter pertaining to "family law", i.e., law that falls under the purview of the Shari'a courts. The effect of this new law has been to regularize the nature of the cases and the range of corresponding judgments within the Shari'a court system.

A State Security Court tries cases involving national security and criminal cases that the Government decides require expeditious or especially sensitive handling. Magistrate court judges have presided over trials in the State Security Court. Defendants tried by the Security Court are not permitted to have legal representation present. The timing and the location of the Court's proceedings are not publicly disclosed. The Court does not follow legal procedures as strictly as the magistrate courts, although prominent civilian jurists form the panel. The Sultan has exercised his powers of leniency, including in political cases.

The Criminal Code does not specify the rights of the accused. There are no written rules of evidence, codified procedures for entering cases into the criminal system, or any legal provision for a public trial. Criminal procedures have developed by tradition and precedents in the magistrate courts. In criminal

cases, the police provide defendants with the written charges against them; defendants are presumed innocent and have the right to present evidence and confront witnesses. The prosecution and the defense question witnesses through the judge, who is usually the only person to question witnesses in court.

There are no jury trials. A single judge tries misdemeanors; a panel of three judges tries felonies and security offenses. Magistrate court judges must be citizens. Public prosecutors are senior police officers. They may bring additional charges after defense attorneys have inspected the charge sheet or during trial.

A detainee may hire an attorney but has no explicit right to be represented by counsel. The Government does not pay for the legal representation of indigents. However, the 1996 Basic Charter affirms both right to counsel and government-funded legal representation for indigents. These provisions have yet to be implemented. Judges often pronounce the verdict and sentence within 1 day after the completion of a trial. Defendants may appeal jail sentences longer than 3 months and fines over the equivalent of \$1,300 to a three-judge panel. Defendants accused of national security offenses and serious felonies do not have the right of appeal. Death sentences, which are rare, cannot be carried out without the Sultan's approval; in January the Sultan upheld the death penalty for four Pakistani workers found guilty and sentenced to death by the magistrate court for murdering two Omani watchmen in the course of a robbery.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The police are not required by law to obtain search warrants. There is a widespread belief that the Government eavesdrops on both oral and written communications, and citizens are guarded in both areas. Citizens must obtain permission from the Ministry of Interior to marry foreigners, except to nationals from the Gulf Cooperation Council (GCC) countries. Such permission is not automatically granted. Delays or denial of permission have resulted in secret marriages within Oman. Marriages in foreign countries can lead to denial of entry into Oman of the foreign spouse and prevent a legitimate child from claiming citizenship rights.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law prohibits criticism of the Sultan in any form or medium. The authorities tolerate criticism of government officials and agencies, but such criticism rarely receives media coverage. The announced 1996 Basic Charter provides for freedom of opinion expressed in words, writing, or all other media within the limits of the law; however, these provisions have yet to be implemented.

The 1984 Press and Publication Law authorizes the Government to censor all domestic and imported publications. Ministry of Information censors may act against any material regarded as politically, culturally, or sexually offensive. However, journalists and writers generally censor themselves to avoid government harassment. Editorials generally are consistent with the Government's views, although the authorities tolerate some criticism on foreign affairs issues. The Government discourages in-depth reporting on controversial domestic issues and seeks to influence privately owned dailies and periodicals by subsidizing their operating costs.

In late 1997, the Government began to permit the entry onto the market of foreign newspapers and magazines containing reports or statements deemed critical of Oman, including articles critical if the

Sultan. Customs officials sometimes confiscate video cassette tapes and erase offensive material despite the fact that there are no published guidelines on what is viewed as locally "offensive". During the year, confiscations included modern productions of Shakespeare. The tapes may or may not be returned to their owners. Government censorship decisions are periodically changed without apparent reason. The lifting of the boycott against Israel has eliminated prohibitions on publications from or about Israel that meet other censorship standards. There is a general perception that the confiscation of books and tapes at the border from private individuals and restrictions on popular novels has somewhat eased. However, it has reportedly become more difficult to obtain permission to distribute books that censors decide have factual errors about Oman (including outdated maps) in the local market.

The Government controls the local radio and television companies. They do not air any politically controversial material. The Government does not allow the establishment of privately owned radio and television companies. However, the availability of satellite dishes has made foreign broadcast information accessible to the public. The Government, through its national telecommunications company, provides full, uncensored Internet access to citizens and foreigners.

The appropriate government authority, such as Sultan Qaboos University, the police, or the relevant ministry must approve public cultural events, including plays, concerts, lectures, and seminars. Most organizations avoid controversial issues due to fear that the authorities may cancel their events. Academic freedom is restricted, particularly regarding controversial matters, including politics. Professors may be dismissed for going beyond acceptable boundaries.

b. Freedom of Peaceful Assembly and Association

The law does not guarantee freedom of assembly. All public gatherings require government sponsorship. The authorities do not always enforce this requirement, and gatherings sometimes take place without formal government approval. For example, in May students at a nursing college protesting widespread food poisoning within the school attempted to march down Muscat's primary highway to the Ministry of Health; security forces intercepted and dispersed the students without serious injury. Regulations implemented in 1994 restricting most types of public gatherings remain in effect. The 1996 Basic Charter provides for limited freedom of assembly, but these provisions have not yet been implemented.

Current law states that the Ministry of Social Affairs and Labor must approve the establishment of all associations and their bylaws. Despite this ruling, some groups are allowed to function without formal registration. The Government uses the power to license associations as a means to control the political environment. It does not license groups regarded as a threat to the predominant social or political views of the Sultanate. Formal registration of associations for expatriates is limited to a maximum of one association for any nationality. The 1996 Basic Charter's provisions in this area--not yet in effect--regulate the formation of associations.

c. Freedom of Religion

Islam is the state religion, which is affirmed by the 1996 Basic Charter. The 1996 Basic Charter provides that Islamic law (Shari'a) is the basis for legislation and preserves the freedom to practice religious rites, in accordance with tradition, provided that does not breach public order. Discrimination against individuals on the basis of religion or sect is prohibited. Implementing decrees for the 1996 Basic Charter in this area have not yet been established.

Most citizens are Ibadhi or Sunni Muslims, but there is also a minority of Shi'a Muslims. Non-Muslims are free to worship at churches and temples built on land donated by the Sultan. There are many

Christian denominations, which utilize two plots of donated land on which two Catholic and two Protestant churches have been built. Hindu temples also exist on government provided land. Other land has been made available to Catholic and Protestant missions in Sohar and Salalah.

The Government prohibits non-Muslims from proselytizing Muslims. It also prohibits non-Muslim groups from publishing religious material, although material printed abroad may be brought into the country. Members of all religions and sects are free to maintain links with coreligionists abroad and undertake foreign travel for religious purposes. Due to government restrictions on public gatherings, there has been a substantial curtailment of non-Muslim religious celebrations in recent years.

The police monitor mosque sermons to ensure that the preachers do not discuss political topics and stay within the state-approved orthodoxy of Islam. The Government expects all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Awqaf and Religious Affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict travel by citizens within the country except to military areas. Foreigners, other than diplomats, must obtain a government pass to cross border points. To obtain a passport and depart the country, a woman must have authorization from her husband, father, or nearest male relative. However, a woman having an Omani identity card, which must be obtained via male authorization, may travel to certain Gulf Cooperation Council countries without a passport.

Until the promulgation of the Basic Charter, the Government did not have a policy on refugees or a tradition of harboring stateless or undocumented aliens. The 1996 Basic Charter prohibits the extradition of political refugees; however, this provision has not yet been implemented. The issue of the provision of first asylum did not arise in 1998. Oman offered temporary refuge to several thousand Yemenis in 1994 displaced by a civil war. They returned to Yemen following the war's end. Tight control over the entry of foreigners into the country has effectively screened out would-be refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Oman is an autocracy in which the Sultan retains the ultimate authority on all important foreign and domestic issues. The country has no formal democratic political institutions, and its citizens do not have the ability peacefully to change their leaders or the political system.

The Sultan promulgated Oman's first defacto written constitution, known as the Basic Charter, in November 1996. Although it has immediate force of law, most laws and regulations to implement its provisions have not yet been enacted; it is expected that this process may take until 2000 or beyond to be completed. The law does not provide for political parties or direct elections. Citizens have indirect access to senior officials through the traditional practice of petitioning their patrons, usually the local governor, or wali, for redress of grievances. Successful redress depends on the effectiveness of the patron's access to appropriate decisionmakers. The Sultan appoints the governors. The Sultan makes an annual 3-week tour of the country, accompanied by his ministers. The tour allows the Sultan to listen directly to his subjects' problems.

In 1991 Sultan Qaboos established a Consultative Council, or Majlis Ash-Shura. In 1994 he expanded the number of Council seats to 80 from the original 59, a move that allocated 2 members for districts with a higher population. Due to the 1994-97 population increase, the number of seats was further expanded to 82 for the October 1997 elections. The Government selects the Council members from

several nominees, both male and female, elected by prominent persons in each district. In the October 1997 elections, over 50,000 Omani men and women, 3 percent of the total population, were eligible to vote in all districts throughout the country. These voters (or electors) had volunteered for the position, their police records were checked by the Government, and they were subject to government approval. In some cases, nominees with the most votes might not win appointment to the Council, if the Sultan decides not to appoint them. The Council has no formal legislative powers, which remain concentrated in the Sultan's hands. However, it serves as a conduit of information between the people and the government ministries. No serving government official is eligible to be a council member. The Council may question government ministers in public or in private, review all draft laws on social and economic policy, and recommend legislative changes to the Sultan, who makes the final decision. In December 1997 the Sultan announced the appointment of 41 persons to the new Majlis Al-Dawla (Council of State). The precise responsibilities of the Council of State and its relationship to the existing Consultative Council remain to be clarified. The Council of State and the Consultative Council together form the Majlis Oman, or Council of Oman.

The Sultan has publicly advocated a greater role for women in both the public and private sectors. In the October 1997 elections, the Government selected two women to serve on the Consultative Council. In December 1997, the Sultan appointed 4 women to the 41-member Majlis Al-Dawla.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government prohibits the establishment of human rights groups. The existing restrictions on the freedom of speech and association do not permit any activity or speech critical of the Government. There were no known requests by international human rights organizations to visit Oman.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1996 Basic Charter prohibits discrimination on the basis of sex, ethnic origin, race, religion, language, sect, place of residence, and social class. However, decrees to implement its provisions have not been promulgated. Institutional and cultural discrimination based on gender, race, religion, social status, and disability exists

Women

There is no evidence of a pattern of spousal abuse although observers say that allegations of such abuse in the Shari'a Courts are not uncommon. Definitive information is scant and difficult to collect. Doctors do not have a legal responsibility to report either spouse or child abuse cases to the courts. Battered women may file a complaint with the police but more often seek family intervention to protect them from violent domestic situations. Likewise, families seek to intervene to keep such problems out of public view. There have been reports that employers or male coworkers have sexually harassed foreign females employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have complained that their employers have withheld their salaries and that government officials have been unresponsive to their grievances, due to investigative procedures that disadvantage the victim. Individuals known to be abusing domestics are not always brought to account for their actions. In the past, several foreign women have had to ask their governments' embassy for shelter to escape abuse.

Most women live within the confines of their homes. They continue to face many forms of discrimination. Illiteracy among older women hampers their ability to own property, participate in the

modern sector of the economy, or even inform themselves of their rights. Government officials frequently deny women land grants or housing loans and prefer to conduct business with a woman's husband or other male relative.

Some aspects of Islamic tradition also discriminate against women. Islamic law favors male heirs in adjudicating inheritance claims. Many women are reluctant to take an inheritance dispute to court for fear of alienating the family.

However, since 1970 conditions for women have improved dramatically in several areas. Whereas in 1970 no schools existed for girls, the most recent figures available from the Ministry of Education report an enrollment rate nearing 90 percent for all girls eligible for elementary school. In the 1997-98 school year, female students constituted approximately 50 percent of the total number of students attending public schools. Women constitute roughly half of the 5,000 students at Sultan Qaboos University. In November 579 women and 428 men received bachelors degrees as members of the ninth graduating class, while 2 women and 9 men received masters degrees. The university has a quota system with the apparent goal of increasing the number of men studying certain specialties. Reportedly, women are being limited to 50 percent of the seats in the medical department. The restriction on women studying engineering and archeology was lifted in September. The quotas are expected to allow women to constitute a majority in some other departments.

Women have also made gains in the work force. Some educated women have attained positions of authority in government, business, and the media. Approximately 20 percent of all civil servants are women. In both the public and private sectors, women are entitled to maternity leave and equal pay for equal work. The bureaucracy, the country's largest employer of women, observes such regulations, as do many private sector employers. Still, many educated women face job discrimination because prospective employers fear they might resign to marry or raise families. Several women employees in the Government have complained that they have been denied promotion in favor of less capable men, although this varies by ministry. Government grants for study abroad are limited almost exclusively to males.

Children

The Government has made the health, education, and general welfare of children a budgetary priority. Primary school education is free and universal but not compulsory. Most children attend school through secondary school, to age 18. No significant sectors or groups within the population are prevented from receiving an education. The infant mortality rate continues to decline, and comprehensive immunization rates have risen. There is no pattern of familial or other child abuse. Government officials have publicly called for greater awareness and prevention of child abuse. A few communities in the interior and in the Dhofar region still practice female genital mutilation (FGM). FGM is widely condemned by international health experts as damaging to both physical and psychological health. Experts believe that the number of such cases is small and declining annually. Oman ratified the U.N. Convention on the Rights of the Child in 1996 with reservations relating to freedom of children to choose a religion and government spending limits.

People with Disabilities

The Government has mandated parking spaces and some ramps for wheelchair access in private and government office buildings and shopping centers. Compliance is voluntary, yet widely observed. Students in wheelchairs have easy access to Sultan Qaboos University. The Government has established several rehabilitation centers for disabled children. Disabled persons, including the blind, work in

government offices. While the Government now charges a small fee to citizens seeking government health care, the disabled generally are not charged for physical therapy and prosthetics support.

Religious Minorities

Some members of the Shi'a Muslim minority claim they face discrimination in employment and educational opportunities. Some members of this same community, however, occupy prominent positions in both the private and public sectors.

National/Racial/Ethnic Minorities

Citizens of east African origin complain that they frequently face job discrimination in both the public and private sectors. Some public institutions reportedly favor hiring members of one or another regional, tribal, or religious group. However, no group is banned from employment.

Section 6 Worker Rights

a. The Right of Association

. The current law stipulates that "it is absolutely forbidden to provoke a strike for any reason." The Government has not yet promulgated a new labor law that was first drafted by the Ministry of Social Affairs and Labor in 1994. In the last quarter of 1996, the Consultative Council recommended some changes to the draft, but the Government has not yet issued the new law. Government officials have stated that the new labor law will be consistent with international labor standards

Labor unrest is rare. There have not been any known job actions within the last 5 years. In 1994 the Government joined the International Labor Organization.

b. The Right to Organize and Bargain Collectively

The current law does not provide for the right to collective bargaining. It requires, however, that employers of more than 50 workers form a joint labor-management committee as a communication forum between the two groups. The implementation of this provision is uneven, and the effectiveness of these committees is questionable. In general the committees discuss such questions as living conditions at company-provided housing. They are not authorized to discuss wages, hours, or conditions of employment. Such issues are specified in the work contracts signed individually by workers and employers and must be consistent with the guidelines of the Ministry of Social Affairs and Labor.

The current law defines conditions of employment for some citizens and foreign workers. It covers domestic servants and construction workers but not temporary workers or those wit