



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

Combined second to fifth periodic reports due in 2012

Oman*


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Introduction

1. The Sultanate of Oman is an independent Arab Islamic State and has been a Member of the United Nations since 1971. It is also a member of the League of Arab States, the Cooperation Council for the Arab States of the Gulf, the Organization of Islamic Cooperation and the Movement of Non-Aligned States.

2. The Sultanate of Oman acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 2002, pursuant to Royal Decree No. 87/2002, and to the Convention on the Elimination of All Forms of Discrimination against Women in 2005, pursuant to Royal Decree No. 42/2005.

3. Under article 9 of the Convention requiring States Parties thereto to submit periodic reports on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions thereof, the Sultanate of Oman submitted its initial report to the Committee on the Elimination of Racial Discrimination in 2004.

4. The Committee considered the Sultanate's initial report at its 1768th and 1769th meetings, on 7 and 8 August 2006, in the presence of a high-level Omani delegation. The Committee's observations on the report are contained in document CERD/C/OMN/CO/1 and the replies of the Sultanate thereto are set out in its subsequent second, third and fourth periodic reports, which were due earlier. Owing to recent legal developments, however, such as the establishment of the National Human Rights Commission in late 2008 and the interval preceding the designation of its members, those preparing the reports were obliged to propose to the Committee that the period be extended to cover the fifth periodic report. In a letter dated 13 March 2012 addressed (by email) to the Permanent Mission of the Sultanate in Geneva, the Committee welcomed that proposal.

5. The Sultanate thanks the expert Committee for its valuable contributions and the positive aspects noted in paragraphs 1–10 of the document containing its concluding observations and recommendations concerning the initial report, as well as for the observations set out in paragraphs 11–28. Attention will be focused on responding to those observations in the present document (combined second to fifth periodic reports).

6. The Sultanate of Oman (as evidenced in its initial report and also the present report) managed in a relatively short time to establish the legal infrastructure required at the national level to incorporate the principles of human rights in its national legislation and eliminate racial discrimination. It continues to develop and ensure the highest possible standards in protecting and promoting human rights on the basis of its social and cultural values and its international commitments, availing itself of the experience of Member States and the Committee and drawing on the technical expertise of other United Nations organizations, bodies and agencies in this sphere.

Methodology and consultation process for preparation of the report

7. Bearing in mind the importance attached by the Sultanate of Oman to human rights in general and to the elimination of racial discrimination in particular, the Council of Ministers established a national working group under the chairmanship of Judge Khalifa bin Mohammed Al Hadrami, Vice-President of the Supreme Court, with a membership comprising representatives of the Ministry of Foreign Affairs, Ministry of Manpower, Ministry of Legal Affairs, Ministry of Social Development, Ministry of National Economy, Ministry of the Interior, Ministry of Education, the Office of the Public Prosecutor and the National Human Rights Commission (an independent national body established pursuant to Royal Decree No. 124/2008 to defend human rights), to prepare the combined second to fifth periodic reports. The working group reviewed recent

developments in domestic legislation and laws relating in particular to human rights, including the elimination of racial discrimination and the advancement of measures for curbing such discrimination. It also communicated with various ministries and other institutions, notably non-governmental organizations (NGOs), in order to prepare its report.

8. The report is divided into two parts, the first containing background information and the second the response to the Committee's concluding observations.

I. Background information

A. Land and population

9. The Sultanate of Oman is situated in the southern-eastern extremity of the Arabian peninsula and covers an area between latitudes 16°40'N and 26°20'N and longitudes 51°50'E and 59°40'E. With a coastline stretching almost 3,165 km from the Strait of Hormuz in the north to the borders adjacent to the Republic of Yemen, it overlooks three seas: the Arabian Gulf, the Sea of Oman and the Arabian Sea.

10. The total surface area of the Sultanate is roughly 309,500 km² and comprises numerous types of land forms, ranging from plains and highlands to mountains.

11. For administrative purposes, the Sultanate is divided into 11 governorates: Muscat, Dhofar, Musandam, Buraymi, Dakhiliyah, Batinah North, Batinah South, Dhahirah, Sharqiya North, Sharqiyah South and Wusta. In all, these governorates are composed of 61 provinces and 24 administrative centres.

12. Foremost among the outstanding characteristics of the Omani people are their tolerance, family cohesion, spirit of fellowship, trustworthiness and honesty in their dealings and the absence of any form of bigotry, segregation or discrimination. These characteristics are noticeable to anyone setting foot in the country, whether as a visitor or resident.

13. According to the census of 2010, the Sultanate has a population of 2,773,483, of whom 1,957,336 are Omanis and 816,143 are foreign nationals. Annex 1 sets out information on the total Omani and non-Omani populations, disaggregated by governorate, region, age group and gender.

14. The crude birth rate (per 1,000 population) rose from 25 in 2007 to 29.47 in 2010. By contrast, the crude mortality rate for the same period fell from 3.10 to 3.

B. Institutional frameworks for human rights and human rights protection

(a) Basic Law of the State

15. Over the past six years (2006–2012), the Sultanate of Oman has taken swift action to advance its development in order to keep pace with the latest innovations at the domestic and international levels. A particularly striking feature of that development process has been the increased attention given to human rights. The following tools and measures constitute an integrated package for guaranteeing human rights in the Sultanate, including the elimination of all forms of racial discrimination.

16. The Basic Law of the State, which was promulgated pursuant to Royal Decree No. 101/1996, is the fundamental framework for human rights in the Sultanate. Its amendment pursuant to Royal Decree No. 99/2011 of 19 October 2011 added fundamental

elements to the institutional framework in the Sultanate (a copy of the Basic Law, as amended, is annexed hereto).

(b) National Human Rights Commission

17. The National Human Rights Commission was established (pursuant to Royal Decree No. 124/2008) as an independent human rights institution with the aim of promoting fruitful and constructive cooperation between government authorities and the country's civil society organizations. The Commission comprises representatives from a range of civil society institutions, such as the General Union of Workers of the Sultanate of Oman, NGOs and lawyers' associations, in addition to government representatives.

18. The functions of the Commission are to receive complaints from individuals seeking protection of their human rights and freedoms, review observations made by Governments, international organizations and NGOs concerning the country's human rights record, and coordinate with relevant authorities in corroborating those observations and taking necessary action. The Commission also contributes to the preparation of human rights reports and promotes greater human rights awareness throughout the country.

(c) National Committee for Combating Human Trafficking

19. As part of the efforts of the Sultanate to combat the growing global phenomenon of human trafficking, the Human Trafficking Act was promulgated by Royal Decree No. 126/2008 and, pursuant to article 21 of the Act, the National Committee for Combating Human Trafficking was established by a decision of the Council of Ministers. Chaired by the Inspector General of Police and Customs, the Committee comprises members from various government entities and NGOs and is responsible for reporting annually to the Council of Ministers on national efforts undertaken to combat human trafficking.

20. In 2009, the Labour Code was amended pursuant to Royal Decree No. 63/2009, in order to bring it into line with the Human Trafficking Act and to help curtail practices, such as forced labour, that potentially fall within the scope of a human trafficking offence. The effect was to tighten up penalties for offenders and strengthen regulation of the recruitment and employment of expatriate workers in the Sultanate.

21. Human trafficking victims receive numerous free services from the State, consisting in medical care, legal and social aid, social assistance and services and facilities provided in sheltered accommodation. There are several dedicated shelters in place for victims, and a major new shelter in the interior region is nearing completion. These shelters are run by the Government, in cooperation with NGOs. Public awareness of human trafficking is, furthermore, raised through radio and television programmes and articles in the press. The Royal Oman Police and other authorities play a part in providing information, advice and support through free hotlines for victims, who are permitted to remain in Oman, if they so wish, until all legal proceedings are completed. The Committee works in close cooperation with the National Human Rights Commission. The Sultanate has made good progress in its efforts to combat human trafficking.

22. The Committee prepared a national plan and devised procedures for providing assistance to victims of trafficking. These efforts are deployed to help identify offenders and bring them to trial, for which purpose a special division has been established at the Muscat Court of Appeal. The plan also focuses on the development of mechanisms for cooperation among the relevant authorities in the public and private sectors.

(d) International obligations

23. The treaties to which the Sultanate has acceded, including those relating to human rights, such as the International Convention on the Elimination of All Forms of Racial

Discrimination, are all incorporated into the nation's legislation, which, in turn, must be harmonized with their provisions. In the event of any conflict between them, the provisions of international treaties take precedence.

24. Although the Basic Law of the State prevails over all other domestic laws, articles 72, 76 and 80 state that the Basic Law must be applied without prejudice to the provisions of international treaties.

25. The Sultanate has ratified four core human rights treaties: the Convention of the Rights of the Child, in 1996, and the two Optional Protocols thereto, in 2004; the International Convention on the Elimination of All Forms of Racial Discrimination, in 2002; the Convention on the Elimination of All Forms of Discrimination against Women, in May 2005; and the Convention on the Rights of Persons with Disabilities, in 2008. The Sultanate 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 in 2009 with respect to the two Optional Protocols. It also reported that same year on the Convention on the Elimination of All Forms of Discrimination against Women. The Sultanate frequently considers the question of whether it should become a signatory to other human rights treaties, in addition to reviewing its reservations to some of the treaties to which it is already a signatory.

26. The Sultanate has also ratified four core human rights conventions of the International Labour Organization (ILO): first, Convention No. 29 of 1930 concerning forced or compulsory labour; secondly, Convention No. 105 of 1957 concerning the abolition of forced labour; thirdly, Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour; and fourthly, Convention No. 138 of 1973 concerning the minimum age for admission to employment. It has, furthermore, ratified the Arab Convention No. 18 of 1996 concerning the employment of minors and the Arab Convention No. 19 of 1998 on labour inspection.

C. Promotion and protection of economic, social and cultural rights

27. Over the past 42 years, comprehensive development, in particular human development, has been the first priority in the Sultanate of Oman, which has indeed achieved notable progress in the field of economic, social and cultural rights, especially in relation to women, children, health and education. It was a prime mover worldwide insofar as it achieved the fastest progress in the human development domain, according to the *Human Development Report 2010*, published by the United Nations under the title "The Real Wealth of Nations: Pathways to Human Development". The report makes it clear that this progress was a result of successes accomplished in the areas of health and education in particular within a relatively short space of time.

(a) The right to enjoy the highest standard of health

28. Article 12 of the Basic Law of the State upholds the right to health. Health care and treatment are available free of charge to all citizens and to foreign nationals working in the public sector. Residents working in the private sector have access to health services, and employers shoulder the cost of health care provided to migrant workers.

29. Over the past 40 years, the Sultanate has made great strides in the delivery of health care. It was ranked first in the world for efficient use of health resources and eighth for overall health efficiency, according to a report published by the World Health Organization in 2000 (annex II).

30. Over the last three decades, average life expectancy in the Sultanate of Oman has risen from 57.5 years to 72.7 years. During the same period, the mortality rate fell from 13.3 deaths per 1,000 inhabitants in 1980 to 3 in 2009.

31. The Government funds over 80 per cent of total health expenditure, which is one of the highest percentages in the world for such funding. In 2010, the share of health expenditure represented by the Ministry of Health alone amounted to 376 million Omani riyals (OMR). This figure does not include health services delivered by other government entities. The health services network covers all areas of the Sultanate.¹

(b) Right to education

32. In the Basic Law of the State, education is the cornerstone on which the advancement of society is based. The Sultanate thus made education available and free for all until the end of grade 12. Until 1970, there were only three formal schools with 900 students, but the sector has evolved rapidly over the past four decades. Hence, the number of government-run schools was 1,043 and the number of students 531,283 in the academic year 2009/10. The number of students attending private schools during the academic year 2010/11 stood at 65,366 and the number of general secondary school graduates admitted to universities and colleges stood at 23,858. Many of these students were studying free of charge at State expense. There are also literacy and adult education centres and continuing education support facilities (annex IV). As part of a government plan for improving the standard of attainment among females graduating from basic and higher education, His Highness the Sultan issued royal directives ordering a re-evaluation of the state of education in the Sultanate.

33. The *Human Development Report 2006* indicated that the literacy rate for adults (15 years of age and above) rose from 54.7 per cent in 1990 to 81.4 per cent in 2006. During the same period, the literacy rate for young persons (15 to 24 years of age) increased from 86.6 per cent to 97.3 per cent. The share of public expenditure on the education sector amounted to OMR 868.9 million, equivalent to 35 per cent of total current government expenditure in 2010.²

34. There is one government-run university in the Sultanate, in addition to six government-run applied science colleges, seven technical colleges and a number of nursing academies in governorate centres. There are also 6 private universities, 20 private higher education institutions and 174 academies and training centres. Most of these government-run and private institutions of higher education offer four-year university degree courses, except in the case of engineering and medicine, for which the courses last five and seven years, respectively. The remainder offer two-year university degree courses. Since 1999, the Government has driven forward the development of higher education so as to meet the needs of the growing number of inhabitants. It should be said in this context that almost 52.9 per cent of secondary school graduates in 2009 continued on to higher education. During 2011, furthermore, His Majesty the Sultan issued royal directives establishing a new government-run university and approving the sum of OMR 100 million for spending over five years, as from the university year 2011/12, on 1,000 scholarships for master's degrees and doctorates in specific specializations on the basis of job market needs and the country's comprehensive development requirements. Royal directives were also

¹ Source: National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 (review report submitted at the tenth session of the Working Group on the Universal Periodic Review (24 January to 4 February 2011), para. 31).

² *Ibid.*, para. 35.

issued for adding some 10,000 new places in higher education to accommodate the anticipated increase in the number of students completing general education.

35. Promoting awareness of racial discrimination is an ongoing process involving both general education and the media. Human rights, including racial discrimination, were covered in the academic curricula before 2003 in a process to which greater attention has been devoted ever since as human rights concepts, values and principles began to be incorporated into those curricula at all levels. The Ministry of Education has embarked on a project entailing the preparation of a paper on the inclusion of concepts relating to human and children's rights in the academic curricula. The paper is focused on a number of key areas, in particular human rights education at all academic levels, and draws on regional and international experiences and efforts.

36. In comprehensively presenting child and human rights, the Ministry of Education utilizes the "Charter on child and human rights concepts", which was introduced into the teaching curriculum for grades 1 to 4 at the start of the academic year 2008/09. Also under way is a project to produce a booklet for raising awareness of those rights among children in the Sultanate, both nationals and residents. Entitled "My rights", the booklet is aimed at children in the first cycle (grades 1 to 4). The teaching curricula have also been informed by an array of subjects, including Islamic education and culture, Arabic language, social studies, life skills, science, mathematics, information technology, English language, school sports, music and arts. The intention is to expand the teaching of these principles to include grades 5 to 7.

(c) Right to work

37. Article 12 of the Basic Law of the State emphasizes that all citizens have the right and freedom to engage in the work of their choice and that no compulsory work may be imposed on any person.

38. The Civil Service Code (promulgated by Royal Decree No. 120/2004) confers equal rights and duties on all those holding public office, whether Omani or non-Omani, male or female. The Code also governs the relationship between employees and their administrative units and guarantees them job security, a decent livelihood and family stability. It also provides protection and essential safeguards to employees throughout their career, thus making it possible for them to work in a safe and healthy environment.

39. In December 2010, the total number of workers in the government sector amounted to 163,982, including 140,370 Omanis and 23,612 expatriates. During the same year, 177,716 Omani workers were registered for social security and 874,000 expatriates had valid work permits (annex IV).

40. To guarantee protection of the rights of workers and employers alike, the law prohibits the recruitment of non-Omani workers until after a permit has been obtained from the Ministry of Manpower, which defines the terms of their recruitment, as set out in Ministerial Decision No. 1/2011, among them the conclusion of a legal employment contract showing the name of the employer and business, the address of the workplace and information about the worker and his nationality, the type of work he is required to perform, the period of contract, pay, extra benefits and bonuses, and all other legal requirements.

41. The most recent amendment to the Omani Labour Code by Royal Decree No. 113/2011 comprises several provisions governing leave for workers in the private sector and special prenatal and postnatal leave for women workers. The amendments also include compensation for unfair dismissal. The Labour Code furthermore provides that no worker may be actually employed for more than 9 hours a day, up to a maximum of 48 hours a week, and that working hours must be interspersed with one or more food or rest

breaks lasting not less than one half hour so that no continuous period of work exceeds six hours. The Code also guarantees the right of workers to receive additional pay or compensatory leave for any overtime hours worked.

42. To ensure the necessary protection and safety for workers, taking into account the nature of the weather and climate in the Sultanate, the regulations governing occupational safety and health measures were amended, pursuant to Ministerial Decision No. 322/2011, in order to prohibit the employment of workers on construction sites or in outdoor locations during the intense midday heat and to make it a mandatory requirement to provide shaded areas and cold water at work sites, as well as tanks delivering adequate supplies of water to workers' housing complexes.

43. In 2006, the Labour Code was amended pursuant to Royal Decree No. 74/2006 in order to afford to those working in private businesses the opportunity to establish trade unions and workers' federations in accordance with international labour standards. Members of these trade unions and workers' federations enjoy the requisite degree of independence and protection. Workers in the Sultanate may also exercise the right to take part in strikes and collective bargaining, in accordance with the provisions of the law. The establishment and operation of workers' unions is regulated pursuant to Ministerial Decision No. 59/2010, in the light of which 139 workers' unions representing both Omani and expatriate workers in private enterprises involved in various activities and economic sectors were registered and launched in the Sultanate (as at December 2011). The General Federation of Oman Trade Unions was also launched at its Founding Congress on 10 February 2010.

44. Collective bargaining, peaceful strike action and closures are regulated pursuant to Decision No. 294/2006 issued by the Ministry of Manpower, which affords priority to workers in obtaining their dues in the event that a business closes or declares bankruptcy. The law sets out the mechanism for the payment of wages owing to workers, which may not be withheld or stopped except in accordance with the conditions provided for by law. The law sets the daily and weekly working hours, workers' annual and emergency leave, official holidays and weekly rest days.

45. Ministerial Decision No. 99/2010 established the Social Dialogue Committee, which comprises representatives of the three parties involved in production (the Government, employers and workers), the aim being for it to look into regional and international standards for promoting social dialogue in order to serve employment relations among those parties. The Committee directs the efforts of social partners in the labour market towards increasing production, strengthening competitiveness and striking balance and harmony between the interests of workers and employers so as to underpin the national efforts to achieve comprehensive and sustainable development.

(d) Women's rights and gender equality

46. Through taking a proactive stance in promoting women's rights, the Sultanate successfully increased to 50 per cent the proportion of girls enrolled in school. Women account for 55 per cent of university students and for roughly 43 per cent of the workforce in the civil service sector, according to statistical indicators published by the Ministry of Civil Service on 20 June 2011, and 20.3 per cent in the private sector, according to statistical indicators published by the Ministry of Manpower on 12 March 2012.

47. In the political sphere, women have the right to vote and to stand as candidates for the legislative assembly (Consultative Council) and enjoy equal opportunities to hold government office. Three women (two of them with ministerial portfolios) currently occupy ministerial posts and 15 women serve on the State Council, accounting for 20 per cent of its members. As to the Consultative Council, there were 77 women candidates for its seventh

session (2010–2011), one of whom won membership. In the diplomatic corps, three women hold the position of ambassador. The rules on entitlement to government land were also amended, pursuant to Royal Decree No. 125/2008, in order to give women the same right as men to obtain a government land grant. It is additionally worth noting in this respect that the Sultanate amended the Omani Passport Act in order to give a woman the right to obtain a passport without her husband's approval. A woman may also keep her original family name after marriage. In respect of the law, article 3 of the Interpretation and General Provisions Act No. 3 of 1973 provides that any word referring to males in Omani law also includes females. With regard to sports, Omani women enjoy the right to compete for membership of the governing boards of sports federations. Women's practice of sports has also attracted special attention, with opportunities available for them to develop their abilities and talents and become more involved in sports at the local and international levels. The Oman Olympic Committee also formed its own women's sports committee to work on initiating and promoting women's sports activities, pursuant to Ministerial Decision No. 24/2009.

48. The increase in the percentage of educated women was accompanied by a rise in the average age of marriage from 20.7 years for women and 24.7 years for men in 1993 to 25 and 28 years, respectively, in 2003. Reproductive rates have also declined significantly over the past three decades from 10.13 to 3.3 births per woman of reproductive age (15 to 49 years) for a number of reasons, including the high education rate, particularly among women, the higher age of marriage and the birth spacing practised as from 1994. The data show a rise in the proportion of women spacing births for a period of three or more years from 8.2 per cent in 1996 to 37.7 per cent in 2009.

49. Centres offering premarital services are also present in all regions of the Sultanate. Anyone wishing to marry may visit these centres to undergo medical tests and seek advice on genetic blood disorders.

50. To encourage women into work, the Labour Code guarantees their protection from unfair dismissal for reasons of illness, pregnancy or childbirth. Under the Civil Service Code, women working in the government sector are also entitled to a 50-day period of maternity leave, with full pay, and to unpaid leave for up to one year.

51. In accordance with the Basic Law of the State, the family is the basis of society and the law regulates the means for protecting it, safeguarding its legal structure, reinforcing its ties and values, caring for its members and creating conditions conducive to the development of their aptitudes and abilities.

(e) Children's rights

52. The Sultanate acceded to the Convention on the Rights of the Child in 1996 and to the two Optional Protocols thereto in 2004. On ratifying the Convention, the Government was eager to fulfil its commitments thereunder and therefore established a national committee tasked with the follow-up of implementation and comprising representatives of various government entities and NGOs. The Sultanate is also taking numerous steps to raise awareness of the provisions of the Convention. The Committee on the Rights of the Child considered its initial report in 2001 and its second periodic report in 2006. Its third and fourth periodic reports are due before the Committee in 2012. In 2010, the Sultanate requested the Secretary-General of the United Nations to remove four of its reservations to the Convention and to limit its fifth and only remaining reservation.

53. The infant mortality rate (per live birth) has fallen from 10.1 to 9.6 and the under-5 mortality rate from 13 to 12.

54. The Ministry of Health has begun monitoring cases involving child abuse; it has developed a reporting system and is in the process of producing a reference guide on the

subject. It has also run training courses for health centre workers on identifying potential cases of abuse. The Ministry works in collaboration with other ministries in proposing legal provisions to ensure that children are protected. Pursuant to Decision No. 78/2008 of the Ministry of Social Development, a working group was formed to review and follow up cases of children at risk of abuse in the Sultanate.

55. The Labour Code (promulgated pursuant to Royal Decree No. 35/2003) contains provisions prohibiting the employment of anyone under 15 years of age and the employment of anyone under 18 years of age for a period exceeding six hours a day. It further prohibits the latter from working overtime, between the hours of 6 p.m. and 6 a.m., and during holidays or weekends.

56. The Juvenile Criminal Responsibility Act (promulgated pursuant to Royal Decree No. 30/2008) creates additional safeguards for juveniles and defines a juvenile as a person under 18 years of age. Concerned with correction and rehabilitation, this Act also provides for the establishment of special departments for the care and rehabilitation of delinquent juveniles, such as the Department of Juvenile Affairs, the Juvenile Guidance Home, the Juvenile Probation Home, the Juvenile Police Unit and the Juvenile Correctional Home. Juvenile cases are handled exclusively by special juvenile courts and the law takes care to ensure that trial sessions are held in camera in order to safeguard the juvenile's future. Aftercare is provided for the juveniles in question.

(f) Social security system

57. Promulgated pursuant to Royal Decree No. 87/1984 on 3 November 1984, the Social Security Act prescribes a monthly allowance for individuals and families who are without an income source or have no one to provide for them. It also covers persons who either do not benefit from the retirement system or whose retirement income is insufficient to meet the needs of all family members, as the entitlement of such persons is topped up by social security. The beneficiaries of this system are orphans, widows, divorced women, families of prisoners, incapacitated persons, persons with disabilities, families abandoned by their provider, unmarried girls and older persons. In addition to receiving the monthly allowance, beneficiaries are exempted from government service fees. They also receive service and in-kind assistance, such as scholarships, social housing and, in the case of persons with disabilities or an illness, medical equipment and other facilities intended to create a supportive environment for the families concerned.

(g) Freedom of opinion and expression

58. Freedom of thought and expression in the Sultanate of Oman is a fundamental right, as affirmed by His Majesty Sultan Qaboos in 2000 when he stated: "Suppression of freedom of thought, reflection and independent judgement is one of the greatest sins and we will never allow anyone to stifle thought."

59. Articles 29 and 31 of the Basic Law of the State guarantee freedom of opinion and expression and freedom of the press. Article 33 guarantees the right to form associations (NGOs and trade unions). These provisions, together with the Press and Publication Act (promulgated pursuant to Royal Decree No. 49/84), provide the right climate for the Omani press to exercise this freedom responsibly. As stipulated in article 31, it is prohibited to print or publish material that leads to unrest, prejudices the security of the State or undermines human dignity and human rights.

60. The private sector may set up newspapers, publishing houses, printing businesses and advertising companies, pursuant to Royal Decree No. 87/2004 amending certain provisions of the Press and Publication Act. It may also establish and operate radio and television companies, in accordance with the Private Radio and Television Companies Act

promulgated pursuant to Royal Decree No. 39/2005. Concerning websites, pornographic sites are prohibited because they are incompatible with the values and traditions of society and harmful to religion.³

61. There are 9 daily newspapers in the Sultanate and around 73 daily, weekly, bi-monthly, monthly, quarterly and annual journals and magazines. There are some 76 advertising agencies and publishing houses and over 130 printing businesses. The Government also runs a number of radio stations and television channels, in addition to the Omanet website. There are three private radio stations and one private television channel.

62. In October 2010, the Public Authority for Radio and Television was established pursuant to Royal Decree No. 108/2010. The Authority is a private legal entity, has financial and administrative independence and carries out its activities in accordance with commercial rules.

63. There are two main telecommunications and Internet service provider companies in the Sultanate of Oman: Omantel, a joint public-private company, and Nawras, which is fully owned by the private sector. There are also three other telecommunications service providers, namely Renna, FRiENDi and Somatel. The number of Internet users in the Sultanate has risen steadily from 12,000 in 1996 to 1.5 million in 2010.

64. The Omani Journalists' Association was instituted in November 2004 with the aim of disseminating awareness in the field of journalism and the media, promoting the Omani press, enhancing the professionalism of journalists and helping to defend the principles of journalism, which are based on social traditions, professional ethics and protection of the rights and interests of journalists. The Oman Writers' Association was instituted in October 2006 with the aim of supporting literary and intellectual movements in the Sultanate, fostering freedom of thought, encouraging dialogue and openness to different cultures, protecting copyrights in cooperation with the relevant authorities, working to promote serious cultural dialogue and exchanging information and expertise with Arab, regional and international authorities. The Omani Society for Fine Arts is another medium working to promote freedom of thought and openness to other cultures. The Society for Amateur Oud Players has also been established. In support of this trend, the Sultan Qaboos Award for Culture, Arts and Literature was established pursuant to Royal Decree No. 18/2011,

(h) Promotion and protection of the rights of priority groups

65. The Sultanate ratified the Convention on the Rights of Persons with Disabilities in 2008 and is due to report to the Committee on the Convention in 2011.

1. Rights of persons with disabilities

66. The Sultanate has incorporated all the provisions of this Convention into the Disability Care and Rehabilitation Act, promulgated pursuant to Royal Decree No. 63/2008, which extends to persons with disabilities the right to, *inter alia*, health, education, housing and employment. Pursuant to Ministerial Decision No. 125/2005, issued on 30 May 2005, 2 per cent of workers employed in any establishment with 50 or more workers must be persons with disabilities. Workers with disabilities also receive the same pay as others for the same work. The Social Security Act provides that eligible persons with disabilities are to receive a monthly allowance if they are unable to obtain employment for reasons outside their control.

³ Source: Comprehensive report of the Sultanate, *op. cit.*, para. 59.

67. The State guarantees protection for children with disabilities from any job that may be detrimental to their health and their physical, mental, emotional and social well-being. Such children are also able to seek an early diagnosis and obtain a formal certificate, authenticated by the competent authority, attesting to the type and nature of their disability.

68. The delivery of quality health care to premature and underweight infants and to infants with disabilities has driven an increase in infant survival rates over the past three decades, with the result that more services are needed for children with disabilities. The Ministry of Health works in cooperation with other government institutions and NGOs to provide integrated health care for such children, which includes rehabilitation, physiotherapy, occupational therapy and services for those with sight, hearing or speech impairments.

69. The Sultanate has made substantial efforts to make sports and recreational facilities accessible to persons with disabilities, including by: taking into account their needs in the design of new facilities and the modification of existing facilities; establishing the Oman Sports Club for the Deaf; and forming an Omani parliamentary committee to supervise all of the sports activities listed in the Statutes of the International Olympic Committee.

2. Expatriate workers

70. The Labour Code, as amended, most recently in October 2011 pursuant to Royal Decree No. 113/2011, covers contracts of employment, pay, leave, working hours, employment of minors, women's employment and industrial safety, in addition to rules relating to the representation of workers, the establishment of workers' unions, the settlement of labour disputes and penalties for offenders. Ministerial decisions issued by the Ministry of Manpower also include comprehensive rules and thorough explanations concerning those matters.

71. To guarantee protection of the rights of workers and employers alike, the law prohibits the recruitment of non-Omani workers until after a permit has been obtained from the Ministry of Manpower setting out the terms of their recruitment, including the conclusion of a legal employment contract. The law provides for the right of foreign workers to move freely and change occupation. There is evidence to show that these measures have helped employers' organizations to resolve the situations of 52,885 foreign workers.

72. The Ministry of Manpower carries out periodic and unannounced inspections in order to monitor employers' compliance with labour standards. During the period 2007–2009, 160 new labour inspectors with university degrees in various fields of specialization, mostly law, were appointed, including 12 women.

73. In seeking to improve efficiency and develop the skills of labour inspectors, a series of training programmes and courses was organized by the Ministry of Manpower, in collaboration with ILO, on core labour principles and rights. Labour inspectors have the power of arrest in their assigned areas of jurisdiction.

74. The most recent collaborative programme with ILO was the Decent Work Country Programme. In cooperation with the Government, employers and workers, a workshop was held with a view to developing labour and labour relations and creating a dialogue between workers and employers in the interest of protecting the rights of both in accordance with international labour standards.

75. With the aim of protecting the rights of workers and preventing forced labour and human trafficking, the Ministry of Manpower issued Ministerial Decision No. 1/2011 concerning the regulations for the recruitment of non-Omani labour in the Sultanate, in cooperation with recruitment agencies in labour-sending countries.

76. In order to develop further cooperative efforts with labour-sending countries, the Sultanate has signed memoranda of understanding on labour with Bangladesh, India, the Syrian Arab Republic, Morocco and Viet Nam. Similar memoranda of understanding are expected to be signed with Egypt, Pakistan, the Philippines, Sri Lanka, Tunisia, the Islamic Republic of Iran and Uzbekistan.

77. The memoranda signed with the aforementioned States contain clauses providing for the exchange of information to prevent illegal recruitment of labour, combat human trafficking and end forced labour. Also provided for is the establishment of bipartite committees tasked with reviewing the implementation of the memoranda.

78. In 2006, the Ministry of Manpower also issued Circular No. 2/2006 prohibiting employers from retaining the passports of their workers except in execution of a judicial order. In order to facilitate the daily lives of the expatriate workforce and all residents, the Omani authorities, as represented by the General Department of Personal Status, began to issue resident cards that can be used as proof of identity in all official transactions, which dispenses with the need to carry a passport.

79. In the case of domestic workers, Ministerial Decision No. 189/2004 sets out the rules and conditions of their employment, including the requirements relating to recruitment permits, employment contracts, medical examinations and employment cards and the obligation on employers to pay their monthly wages, provide appropriate food, accommodation and medical care, supply their travel tickets, and specify their duties. It also prescribes the mechanism for the settlement of disputes that might arise between workers and employers so as to ensure that their rights are protected in accordance with the general principles of the Labour Code.

80. The employment contract is the recognized legal document governing the employer-worker relationship. The relevant laws and regulations determine the residence of foreign workers and their dependent family members in the Sultanate of Oman. The Ministry concerned is pursuing consultations with, among others, the countries of the Cooperation Council for the Arab States of the Gulf in its efforts to exchange experiences and best practices in managing the relationship between employers and expatriate workers.

81. A media campaign called *Na'mal* (Let's work) was mounted from March to December 2009 with a view to promoting awareness of labour legislation and rights, increasing production and developing amicable employer-worker relationships, in addition to educating workers and employers about their duties and rights under the law.

82. Advice leaflets were produced and translated into 14 languages and subsequently circulated to expatriate workers in order to provide them with full information about their rights and thereby help to ensure their welfare and protection, including with reference to adverse practices leading to cases of human trafficking.

83. A 24-hour hotline service is available on freephone number 080077000 for registering complaints, comments and reports concerning the Labour Code and the implementing regulations concerning domestic servants and foreign workers.

D. Civil and political rights and fundamental freedoms

(a) Rule of law

84. Pursuant to the amendment of the Basic Law of the State by Royal Decree No. 99/2011, promulgated on 19 October 2011, the bicameral legislature (Council of Oman), comprising the State Council and the Consultative Council, is vested with extensive legislative and oversight functions, namely enacting laws, overseeing the activities of the executive and giving opinions on international conventions (art. 58 *bis*, paras. 35–44). New

elements were thus added for promoting the fundamental rights of Omanis and their participation in shaping the course of comprehensive development in line with the requirements of the development sought.

85. The Royal Oman Police and the Office of the Public Prosecutor are bound by the provisions of the Basic Law of the State, the Police Act (promulgated by Royal Decree No. 35/90) and the Code of Criminal Procedures (promulgated by Royal Decree No. 97/99). These laws guarantee personal freedom and state that no person may be detained, confined or imprisoned, except in accordance with the law, in which event the person concerned must be held in places designated for the purpose or in prisons covered by health and social care programmes. They also guarantee that no person may be subjected to any form of physical or mental torture or inhuman or degrading treatment. Any statement or confession is deemed invalid if made under torture or threat of torture. An accused person is treated as innocent until proven guilty by law and must not be subjected to any physical or mental harm. Any arrested person must be immediately informed of the reasons for the arrest and has the right to contact a person of his or her choosing. The person and property of any expatriate in the Sultanate of Oman is furthermore protected in accordance with the law. No person or residence may therefore be searched without the permission of a competent judicial authority.

(b) Administration of justice

86. The Basic Law of the State provides that the judiciary should have a supreme council for overseeing the proper functioning of the courts and its auxiliary bodies. The Supreme Judicial Council was established pursuant to Royal Decree No. 93/99 and is the highest judicial authority in the country, presided over by His Majesty the Sultan. With the promulgation of Royal Decree Nos. 9/2012 and 10/2012, the independence of the judiciary was complete.

87. The integrity and impartiality of the judicial system in the Sultanate is evident in the fact that court hearings are generally held in public in accordance with the provisions of article 63 of the Basic Law of the State. In all cases, verdicts are pronounced in open session. According to an assessment conducted in 2010, the Sultanate ranks first among countries in the Arab world and twelfth globally in terms of the impartiality and independence of the judiciary.

88. In order to ensure the professional and technical integrity of judicial proceedings, the Directorate-General for Judicial Inspection, which is part of the judiciary, is tasked with inspecting and reporting on the work of judges and, where necessary, referring them to the competent authority in order to be held to account. In 2010, training courses began at the Higher Judicial Institute, which was established pursuant to Royal Decree No. 35/2010 for the purpose of providing training and further training for judges and their assistants, public prosecutors, auxiliary judges and legal experts. The Office of the Public Prosecutor is in charge of bringing and conducting public prosecutions on behalf of society, supervising criminal investigations, attending criminal proceedings, pursuing fugitives and enforcing sentences. The Public Prosecution Act, promulgated pursuant to Royal Decree No. 92/99, regulates the activity of the Office.

89. More than 33 mediation and conciliation committees have been established in accordance with the provisions of the Mediation and Conciliation Act promulgated pursuant to Royal Decree No. 98/2005. These committees are in tune with the exemplary traditions and customs of society in seeking amicable out-of-court settlements as an alternative dispute resolution method.

(c) **The penal system**

90. The philosophy of punishment in the Sultanate is based on the concepts of reform and deterrence.

91. The rights of prisoners are covered in the Prisons Act (promulgated pursuant to Royal Decree No. 48/98), which refers to the implementing regulations stipulated therein (promulgated pursuant to Ministerial Decision No. 56/2009). Article 5 of the Prisons Act, for example, provides that no person may be imprisoned except by written order of a competent judicial authority. The teaching of illiterate inmates is mandatory and vocational training is provided for other prisoners by the prison administration. Prisoners are encouraged to engage in practising arts, crafts and other cultural activities. Education up to the higher level is provided for all prisoners, to whom the practice of religion is also guaranteed by law, together with health and social care. Pregnant prisoners receive special treatment in terms of food and social care and the child's birth certificate must not indicate that the birth took place in prison or the fact of the mother's imprisonment. A child born in prison may remain with the mother until the age of two, if the mother so wishes. On reaching that age or if the mother does not wish the child to remain with her during the two-year period, the child is given into the care of the father or legal custodian. Lastly, a number of prisoners are released on four occasions annually, provided that they fulfil certain conditions, such as showing good behaviour. Prisoners may also be released on humanitarian grounds.

E. Efforts by the Sultanate of Oman to make known, provide information on and disseminate the provisions of the Convention

92. The instrument of ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was published in the Official Gazette on 26 October 2002, whereupon the legal status of the Convention in the human rights sphere was achieved and it became one of the country's laws, as already mentioned.

93. The message of Convention is imparted through seminars and workshops organized by the relevant authorities, in coordination and cooperation with the competent international organizations.

94. The Convention has been reviewed and discussed in radio and television programmes (*Women and the law, The Office of the Public Prosecutor and society, Live broadcast, Legal readings, Youth dialogue, My family, The status of women in the Koran and The religion of mercy*). The subject will continue to be raised and addressed from every angle in pertinent programmes and future seminars. The Government decided as a general rule to disseminate all ratified international conventions as from 2011.

95. With regard to national institutions, the National Human Rights Commission plays an important role in promoting awareness of the substantive provisions of the Convention. Its role furthermore extended beyond the publication and dissemination of its annual report on activities for 2010 to include the production of several publications aimed at raising human rights awareness in general. In March 2012, it also organized a Gulf seminar on human rights and its members visited a number of prisons to ascertain that the basic requirements were in place for prisoners in terms of medical care, food, rehabilitation and correctional programmes, and sanitary accommodation. The NGO sector also plays a similar role in raising human rights awareness through seminars, workshops, publications and leaflets explaining the message of the Convention in a way that is easily understood by the general public.

II. Response to the concluding observations of the Committee

96. The Sultanate of Oman thanks the expert Committee for its observations concerning the initial report submitted in 2004, which was considered at the 1768th and 1769th meetings of the Committee in 2006. We appreciate that these observations are intended to foster further efforts to strengthen the various facets of human rights in the Sultanate of Oman, where non-discrimination is a fundamental principle of the policy of human rights promotion, and our reply is set out accordingly.

Recommendation No. 11 concerning disaggregated statistical data on the ethnic composition of the population

97. The Sultanate of Oman emphasizes that its population is not classified by ethnic group. All citizens are regarded as Omanis. They all have the same rights and duties and they all hold the same official documents. The Sultanate is of the view that to apply the term “ethnic” to a certain social group in itself constitutes racial discrimination within society. All citizens live together in Omani society without discrimination.

98. Furthermore, none of the statistical data published on the population in the Sultanate of Oman contain any ethnic references. Instead, the population is classified into two groups, Omani and non-Omani (expatriate), in order to distinguish between Omani citizens and others who come to work and reside temporarily in the Sultanate. This is the principle adopted in any review of statistical data on population, education, workers and other matters, as the case may be.

Recommendation No. 12 concerning a review of the definition of discrimination set out in article 17 of the Basic Law of the State in order to bring it into line with article 1, paragraph 1, of the Convention

99. By looking at article 1, paragraph 1, of the Convention and comparing it with article 17 of the Basic Law of the State, it is evident that article 17 refers to non-discrimination on the grounds of gender, origin, colour, religion, sect, domicile or social status. It therefore clearly covers wider ground in the area of non-discrimination than does the paragraph 1 of the Convention, as in addition to focusing on the elements of discrimination set out in the Convention, it also emphasizes non-discrimination on the grounds of social status, domicile or sect, which are not mentioned in the Convention. The Committee’s observation that article 17 of the Basic Law of State makes no reference to “ethnic origin”, to which the Convention refers using the word “race”, leads us to state that the word “origin” contained in article 17 is synonymous with the word “race” and is used in its place, not to mention the fact that discrimination between citizens on ethnic grounds does not exist.

100. The Sultanate also affirms its full commitment to the Convention, with which all of the country’s legislation is now consistent following on from its ratification.

Recommendation No. 13 concerning the legislative, judicial, administrative or other measures adopted to give effect to the provisions of article 2, paragraph 1, of the Convention

101. After acceding to the International Convention on All Forms of Racial Discrimination, the Sultanate, in accordance with articles 75, 76 and 80 of the Basic Law of the State, undertook to comply with its provisions. In accordance with article 78 of the Basic Law of the State, the competent authorities must endeavour to promulgate laws not yet in existence. The authorities concerned have therefore typically amended and promulgated laws in line with the Convention to serve as the basic guarantee for effective implementation of its provisions.

102. The Basic Law of the State prohibits all forms of discrimination and racism. All domestic laws and legislation promulgated on any subject therefore uphold general rights and principles for all individuals and contain no references or texts based on discrimination or permitting any form of racial discrimination.

103. The Court of Administrative Justice (established pursuant to Royal Decree No. 91/1999) hears administrative cases and outstanding matters relating thereto by reviewing decisions taken by government bodies and departments. It is empowered to reverse decisions of the Government and award compensation.

104. The Basic Law of the State provides in articles 59 to 71 for the independence of the judiciary and states that there is no authority over judges in their decision-making other than the law. This is underpinned by Royal Decree Nos. 9/2012 and 10/2012, each of which guarantees that the judiciary is fully separate from the executive. The Sultanate has an integrated judicial system in which criminal, civil and commercial cases are heard, in addition to such other cases as those relating to personal status, employment and taxation. Various laws of relevance to the administration of justice have been promulgated, including the Code of Criminal Procedure and the Code of Civil Procedure. The Supreme Judicial Council was also established and other laws are additionally in place for regulating the practice of the legal and notarial professions. In accordance with the Public Prosecution Act promulgated in 1999, the Office of the Public Prosecutor is an independent public prosecution body, as indeed affirmed by the fact that, in matters of the judiciary, the Sultanate ranked first among Arab countries in the world ratings produced by the Canadian Fraser Institute, in association with the International Research Foundation, scoring almost 9 points on the index and 8.7 out of 10 globally. Its judicial system is therefore among the top 20 in the world with the highest degrees of integrity, transparency and independence.

105. Article 76 of the Basic Law of the State provides that: "No entity in the State may issue rules, regulations, decisions or instructions contrary to the provisions of the laws and decrees in force or those of international treaties and conventions." The International Convention on the Elimination of All Forms of Racial Discrimination thus became part of the country's law, in accordance with article 76 of the Basic Law, and the Sultanate is consequently bound by it. Any failure to comply therewith constitutes a breach of the law and entails criminal responsibility if the act concerned is an offence. It also entails liability for damage, as prescribed by law, and the person responsible is liable in all cases to compensate for any damages to which his fault might give rise.

106. Article 34 of the Basic Law of the State provides that: "Citizens shall have the right to address the public authorities concerning personal matters or matters relating to public affairs in the manner and in accordance with the conditions prescribed by law." Accordingly, individuals may lodge a complaint with administrative authorities and senior administrative officials, including the competent ministers. Citizens may also submit complaints to the mediation and conciliation committees established pursuant to royal decrees in order to resolve cases amicably.

107. Any individual may likewise submit a complaint on any matter of concern for consideration by the relevant ministerial entity, as borne out by the fact that all workers, whether citizens or expatriates, male or female, may seek recourse from the Directorate-General for Labour Welfare at the Ministry of Manpower by lodging complaints, including with respect to any case of racial discrimination. The competent department considers the complaint and the possibility of its amicable settlement. If it is not settled, the matter is referred for a decision to the competent court, together with a statement summarizing the dispute and the arguments of both parties.

Recommendation No. 14 concerning the adoption of comprehensive legislation to prevent, prohibit and punish racial discrimination pursuant to article 4 (a) of the Convention

Recommendation No. 15 concerning the necessary steps to be taken to satisfy the requirements of article 4 (b) of the Convention, 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

108. In responding to recommendation Nos. 14 and 15, the Sultanate affirms that the Basic Law and other laws emanating therefrom (for example, the Omani Criminal Code, the Code of Criminal Procedure, the Labour Code, the Civil Service Code and the Human Trafficking Act) include a set of provisions for curbing racial discrimination (see the laws annexed hereto).

109. Legal provisions in force in the Sultanate concerning the administration of justice among the population and the prohibition of discrimination against any group on grounds of gender, race or any other ground apply to all individuals and, a priori, to the State and its machinery and institutions. As represented by its institutions, the State guarantees the prevention of all forms of racial discrimination and is required by law to abstain from any activity or practice involving racial discrimination. “The rule of law is the basis of governance in the State”, “rights and freedoms are guaranteed by the dignity of the judiciary and the probity and impartiality of the judges” and “the right to litigation is sacrosanct and guaranteed to all people”.

110. The Sultanate has enacted laws criminalizing any act of racial discrimination. The Omani Criminal Code criminalizes any call for racial discrimination. Article 130 *bis* of the Code states that: “Any person who promotes or incites religious or sectarian conflicts or feelings of hatred or loathing among the population shall be liable to a term of imprisonment of up to 10 years.” This is the penalty for a serious crime.

111. As the State makes a point of setting the highest example in the area of combating all forms of discrimination, State institutions and organs operate accordingly and refrain from any act or practice that implies, encourages, supports or protects discrimination, regardless of its source, on the basis of article 80 of the Basic Law of the State.

Recommendation No. 16 concerning the revision of 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

112. The dimensions of equality enunciated in article 17 of the Basic Law of the State have already been explained in the response to recommendation No. 12. With respect to the rights set forth in the Convention and recognized under international law, reference has been made to articles 75, 76 and 80 of the Basic Law of the State, which asserts that no rules, regulations, decisions or instructions contrary to the provisions of the law may be issued. Furthermore, application of the Basic Law is without prejudice to treaties and conventions concluded by the Sultanate of Oman with States and international bodies and organizations.

113. In accordance with article 78, “the competent authorities shall endeavour to promulgate laws not yet in existence that are necessitated by this Basic Law”. The relevant bodies have therefore amended and promulgated laws and legislation, in compliance with the Basic Law of the State, in order to incorporate the State’s obligations under international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, which is part of the law of the Sultanate.

Recommendation No. 17 concerning the request to provide the Committee with 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

114. It was emphasized in our response to recommendation No. 11 that the population of the Sultanate is not divided into ethnic groups. All inhabitants in the Sultanate of Oman are either citizens or expatriates.

(a) The right to equal treatment before the tribunals and all other organs administering justice

115. We affirm in this respect that there is no racial discrimination in the Sultanate. Accordingly, no specific definition for it exists. Nonetheless, the approach followed by the tribunals (as per the Committee's definition) is to punish any act of discrimination that impairs, the rights of the persons concerned as a preliminary to imposing the appropriate penalty in accordance with the Basic Law of the State, in particular articles 17, 18, 20, 25, 28, 29, 30, 35 and 40.

116. Article 17 of the Basic Law of the State is devoted to the subject of citizens and subsequent articles prohibit discrimination affecting human rights. Indeed, the coverage given to economic principles, protection of private property and the enactment of laws for the protection of workers (arts. 19–31 and arts. 33 and 35) prevents discrimination and guarantees equal rights and duties. Furthermore, the Sultanate, pursuant to article 10 of the Basic Law of the State, complies with international treaties in that they are an integral part of its legal order.

117. Article 18 of the Basic Law of the State provides that: "Personal freedom is guaranteed in accordance with the law. No person may be arrested, searched, detained or imprisoned, or have his freedom of residence or movement curtailed."

118. Article 25 of the Basic Law of the State provides that: "The right to litigation is sacrosanct and guaranteed to all people." This article generalizes and makes no distinction between citizens and residents. Articles 26 to 33 of the Basic Law of the State also generalize and make no distinction between citizens and residents.

119. Article 35 of the Basic Law of the State provides that: "Every foreigner who is legally resident in the Sultanate shall have the right to protection of his person and his property in accordance with the law. Foreigners shall have regard for society's values and respect its traditions and customs."

120. In terms of law and the matter of giving effect to the principles of the Basic Law of the State, the following can be emphasized.

(1) Code of Criminal Procedure

121. All 365 articles of this Code illustrate the equality of procedural rights and duties of all persons in the Sultanate of Oman.

(2) Omani Criminal Code

122. The articles of this Code make no distinction between foreigners and citizens in any matter, articles 8, 9 and 12 being cases in point. The national courts also give consideration to foreign judgements, in accordance with article 13 of the Omani Criminal Code. Article 130 *bis* of the same Code affirms that: "Any person who promotes or incites religious or sectarian conflicts or feelings of hatred or loathing among the population shall be liable to a term of imprisonment of up to 10 years."

123. Article 134 of the Criminal Code provides that: “The establishment of associations and parties contravening the political and economic systems is prohibited.” Needless to say, the Sultanate is a party to the international convention with the highest of goals for the freedom of human beings and for safeguarding their political, economic and social rights.

124. Matters addressed in various articles of the Code include the following:

- Article 165: Arbitrary restriction of a person’s freedom and the illegal entry of homes, both of which are punishable by law.
- Article 209: Violation of the sanctity of religion.
- Article 210: Protection of burial sites and funerals in general.
- Article 211: Protection of marriage procedures in accordance with the faith of each party. Offences involving the restriction of personal freedom, deprivation of liberty and the concealment of a kidnapped or abducted person are also punishable by law, in accordance with articles 256 to 258.

125. Slavery, enslavement and transactions relating to either are likewise punishable under articles 260 and 261 of the Code.

(3) Code of Civil and Commercial Procedure

126. The Code of Civil and Commercial Procedure governs rights relating to the State authorities, public bodies and institutions, commercial companies, associations and all individuals.

127. The Code deals with the rights of all parties involved in a sequestration, including with respect to the sequestration of movable property, third-party debts, imprisonment of debtors and the imposition of a travel ban on debtors.

(4) Omani Labour Code

128. The provisions of the Omani Labour Code apply to workers without discrimination, making no distinction between those who are citizens and those who are residents, or between males and females. The Code defines a worker as any natural person undertaking paid work for an employer under his management and supervision. As at December 2010, there were 1,102,365 expatriate workers in the private sector, including 989,698 males and 112,667 females, from 162 countries. In the government sector, there were 163,982 civil servants as at December 2010, including 140,370 Omanis and 23,612 expatriates (table annexed hereto).

129. Article 104 of the Labour Code, set out in chapter VIII thereof and relating to labour disputes, applies to any dispute over a contract of employment. Complaints are referred to a dispute settlement department with a view to finding an amicable resolution. Should that prove impossible, the complaint is referred to the competent courts. As to misdemeanours that come to the attention of labour inspectors during their inspection of facilities subject to the Labour Code, the procedure is that the culprits are referred to the competent authorities for consideration of the misdemeanours concerned. Proceedings brought by workers of any nationality are exempted from fees at all stages of litigation, in accordance with article 10 of the Labour Code.

130. According to labour inspection data and the 17,028 complaints submitted by workers during the period 1 January to 30 September 2010, there were no cases of discrimination. All of the cases were pay-related, involving either late salary payments, claims for overtime pay or end-of-service bonuses, and payment for travel tickets or the retention of passports. Each case was amicably settled, with the exception of 956 that were referred to a tribunal for a decision.

131. Concerning the participation of members of different ethnic and national groups in the design, implementation and monitoring of legislation, policies and programmes affecting their situation, we can confidently say that all of the groups that came to the Sultanate have lived in it for quite some time and have therefore assimilated into Omani society and are integral to its fabric. They consequently enjoy all rights, all duties are incumbent on them and there is no distinction between them and others within Omani society. Moreover, Omani and expatriate workers may engage in matters of particular interest to them though trade unions and the General Federation of Workers.

(5) Education policy in relation to the elimination of racial discrimination

132. The Sultanate has worked to give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in both government-run and private schools through the following:

- Category 1 – Arabic-speaking students: They enjoy all the same education rights as citizens, as they are permitted to attend government-run and international schools on the same terms as Omani students, as set out in section II, article 2, of the regulations on student affairs in general education schools, issued by Ministerial Decision No. 99/2001 concerning the admission and registration of students in the various stages of education.
- According to the *Statistical Yearbook on Education for 2008/09*, 34,578 students were registered in government-run schools and 9,662 were registered in private schools.
- Category 2 – Non-Arabic-speaking students: In view of the inability of these students to understand Arabic, which is the language of instruction in government-run schools, the Ministry permits the establishment of special schools to cater for them, in accordance with the rules governing the activities of such schools, as contained in the regulations on international schools issued by Ministerial Decision No. 4/2006 on 4 January 2006, which are an amended version of the previous regulations. The total number of non-Omanis in the school year 2008/09 amounted to 44,240, or 9.1 per cent of the total number of students.

(6) Discrimination and students

Private schools

133. Pursuant to Ministerial Decision No. 4/2006 concerning the implementing regulations for international schools, the term “community schools” was amended to read “international schools” in order to avoid creating any distinction among students attending those schools on the basis of their race or nationality and instead convey the internationality in which all students are equal, without differentiation or discrimination.

134. Ministerial Decision No. 26/2006 also provides in article 31 that non-Omani students registered in international schools may transfer to government-run schools with the approval of the Ministry.

135. Students with disabilities are admitted to special schools on the same admission terms and conditions as for all children of residents in the Sultanate. Two programmes for the integration of both male and female students with disabilities or with learning difficulties into the country’s schools are also implemented by all education directorates. In the school year 2008/09, 710 students with disabilities or learning difficulties were integrated into a total of 56 schools.

Government-run schools

136. The content of the school curricula is such as to instil the values and principles of tolerance, equality and freedom of thought and belief, without discrimination or distinction.

137. Omani curricula are constructed on the basis of the country's education philosophy derived from the articles of the Basic Law of the State, which views human beings as equal, without distinction among them and without any racial discrimination.

138. The first-cycle curricula include concepts relating to equality and non-racial discrimination, such as:

- Living alongside others of different nationalities, which is depicted by families of various nationalities sharing in activities so as to focus attention on acceptance of others, irrespective of differences in nationality;
- Living alongside others, irrespective of differences in appearance or colour, which is demonstrated by narratives involving individuals with different skin colours and appearances, as well as by pictures of such individuals;
- Equality of males and females, as evidenced by the fact that the narratives include both male and female characters each engaging in activities showing the partnership between them.

139. The general and specific aims of the subject of social studies and of the curricula for such other subjects as Arabic reading and Islamic studies include human rights concepts and concepts relating to peace, openness to other civilizations, acceptance of differences, cultural diversity and international cooperation, which is consistent with the substance and aims of the International Convention on the Elimination of All Forms of Racial Discrimination, in particular articles 5, 6 and 7.

140. The eleventh-grade textbook "This is my homeland: the cultural journey of Oman" deals conceptually with the topics of cultural diversity, openness to civilizations and the acceptance of cultural differences, all of which positively promote the elimination of all forms of racial discrimination.

141. The social studies textbooks for grades 5 to 10 also focus on teaching tolerance through a series of concepts, which recur 1,085 times throughout.

(7) Educational programmes

142. The audiovisual and print media draw no distinctions in their coverage of education issues, programmes, projects and news, as it includes males and females from all student groups, as well as educators, without differentiation.

143. The Sultanate, as represented by the Ministry of Education, treats students equally in all areas of specialization, in keeping with the social system and humanitarian principles, irrespective of their racial, cultural, social or other differences.

144. All boys and girls from every segment of society who excel in educational activities and programmes are rewarded as an incentive for their aptitude and quality of work in identical ceremonies, without discrimination on grounds of colour, sex, race and the like.

145. A booklet "My positive personality" has been produced as part of an awareness programme, covering topics such as peer pressure, bigotry and stereotyping with the aim of fostering in students a spirit of tolerance and non-discrimination.

Educational assessment

146. All students from outside the Sultanate are admitted to schools in accordance with the admissions system in place, which also caters for non-Arabic speakers, for whom support is provided to enable them to study alongside their Arabic-speaking peers.

147. All registered students (Omani and expatriate) have the opportunity to pursue international studies and sit national tests, based on the principle of education for all.

148. The principle of equality and non-discrimination is realized for every school community group in all educational activities and practices, which are carried out using materials designed to bring out individual talents.

(8) Discrimination against women

149. There is no discrimination against women, who have equal rights with men. The Sultanate is a party to the Convention on the Elimination of All Forms of Discrimination against Women, which is a mark of its concern to apply the principle of equality and non-discrimination.

150. In Omani law, there is no discrimination whatsoever between male and female, who are equal in their rights and duties. Redress for any discrimination in breach of the Basic Law of the State may be sought through the judiciary and the injured party is entitled to claim compensation.

151. The basic authority for actual practice in respect of the Sultanate's policies of implementing the Convention on the Elimination of All Forms of Discrimination against Women and accelerating equality between men and women proceeds from the directives of His Majesty the Sultan, his initiatives in appointing women to senior positions, including as ministers, under-secretaries, ambassadors and in the Office of the Public Prosecutor and the State Council, feminizing the designation of posts when occupied by women, and granting women their political, economic and social rights in all aspects of life.

152. In dealing with matters relating to women's lives and affairs, the approach adopted in Omani legislation is based on two fundamental principles: the equality of women and men in general and equality of opportunity.

153. The social security system covers both women and men, who are also treated equally in the Labour Code, the Commercial Companies Act and the Social Service Act, as well as in the education system and school curricula.

154. The term "discrimination against women", which is defined in article 1 of the Convention on the Elimination of All Forms of Discrimination, is not defined in any Omani legislation, which nonetheless fully upholds the principle that men and women are equal and have equal opportunities.

155. In Omani legislation, there are no limitations or prohibitions on women's exercise of these rights. They are fully free to participate in all areas of life, particularly as numerous public awareness services have been put in place across the Sultanate on the directives of His Majesty the Sultan.

156. The Human Trafficking Act and the Omani Criminal Code criminalize trafficking in women and the sexual exploitation of women as discriminatory and exploitative.

157. In the public sector, women hold some 12 per cent of senior executive and advisory positions and over 43 per cent of posts and are also engaged in all other activities and jobs. They are actively involved in development issues through, for example, the Businesswomen Forum, the Oman Chamber of Commerce and Industry, women's civil

society organizations, both voluntary and professional, and governmental and private academic bodies.

158. Women benefit from all social security programmes overseen by the Ministry of Social Development.

159. Women's rights include that of keeping their family name, even after marriage.

160. Article 80 of the Omani Labour Code provides that: "All provisions regulating the employment of workers shall be applicable to women working in the same job, without discrimination among them." This provision makes it clear that women workers have the same rights as men, consisting in:

- The right to equal opportunities for job promotion;
- The right to job security;
- The right to appropriate, safe and hygienic conditions of work;
- The right to rest and leisure time;
- The right to organize and bargain collectively;
- The right to form and join trade unions.

161. There is no discrimination against women at work and indeed the number of women workers is increasing year on year. As stated, there are now 39,621 Omani women in salaried work and 7,289 in self-employed jobs under a support programme. The number of expatriate women workers stands at 112,667.

162. The aim is to reconcile women's right to work with their social function. A set of rules fully consistent with article 11, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women has therefore been formulated, as follows:

- Concerning the right to employment, discrimination on grounds of marriage or maternity is prohibited.
- Male and females workers are entitled by law to a three-day period of marriage leave, in accordance with article 67, paragraph 1, of the Labour Code.
- Dismissal of women from service on grounds of pregnancy or maternity is prohibited.
- Article 84 of the Code provides: "No employer may dismiss a woman worker for absence due to a certificated illness attributable to pregnancy or childbirth or prevent her return to work, provided that the total period of absence is not more than six months."
- Women are entitled to paid maternity leave or similar social benefits.
- Under the Labour Code, as most recently amended pursuant to Royal Decree No. 113/2011, women workers are entitled to a 50-day period of special prenatal and postnatal leave, with full pay, on three occasions during their period of service.
- Article 83 of the Code provides for the right of women who have been in the service of an employer for one year to birth leave for a period of up to six weeks, including the periods preceding and following delivery.
- Throughout pregnancy, women are afforded special protection from activities known to be harmful to them, with article 82 of the Code providing that women may not be employed in activities that are detrimental to health or strenuous, or in any other activities specified by a decision of the Minister. They may not, for example, be employed between 7 p.m. and 7 a.m. or in harmful activities, except with respect

to circumstances, activities and occasions determined by a decision of the Minister. This represents positive discrimination in favour of women and appreciation for the family.

163. We should like to clarify the meaning of the statement made in paragraph 64 of the Sultanate's initial report concerning measures to ban the formation of certain organizations or to prohibit or punish membership thereof. While no provisions on that subject have been enacted, legal provision is nonetheless made for criminalizing the acts mentioned, as in articles 130 *bis*, 26, 261, 209, 210 and 211 of the Omani Criminal Code.

164. This is borne out by the fact that 136 professional women's associations are currently in operation, such as for lawyers, doctors and engineers, in addition to associations and clubs for foreign communities and 24 charitable societies.

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

165. In its fifth paragraph, article 11 of the Basic Law of the State upholds this right as sacrosanct, stating that it must be protected by the State and safeguarded by citizens and residents. The fifth paragraph affirms that private property is protected. No one may thus be prevented from disposing of his property, except for the public benefit in the circumstances defined by law and in the manner provided for therein, on condition that the person concerned receives fair compensation.

166. The sixth paragraph asserts that general confiscation of assets is prohibited and that the penalty for specific confiscation may be imposed only by judicial order in the circumstances defined by law.

167. The following articles of the Basic Law also provide as follows:

- Article 16: "Citizens may not be deported, exiled or prevented from returning to the Sultanate."
- Article 17: "All citizens are equal before the law and equal in rights and duties. There shall be no discrimination among them on grounds of gender, origin, colour, language, religion, sect, domicile or social status." The absence of any reference to foreigners does not mean that they do not enjoy equality. On the contrary, the Aliens' Residency Act, the Labour Code and other laws guarantee equality and protect their rights.
- Article 18: "Personal freedom is guaranteed in accordance with the law. No person may be arrested, searched, detained or imprisoned, or have his residence or movement curtailed, except in accordance with the provisions of the law."
- Article 19: "No person may be detained or imprisoned, except in accordance with the law and in places designated for that purpose in the prison laws, which provide for health and social care."
- Article 20: "No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the penalty for any person committing such acts shall be prescribed by law. Furthermore, any statement or confession shall be deemed invalid if established that it was obtained by or under threat of torture, enticement or degrading treatment."
- Article 21: "There shall be no crime and no punishment except on the basis of law, and no penalty except for acts committed subsequent to the law providing for them. Penalty is personal."

- Article 22: “An accused person is innocent until proven guilty in legal proceedings in which he is guaranteed the necessary safeguards for exercising the right of defence in accordance with the law. It is prohibited to harm an accused person physically or mentally.”
- Article 23: “An accused person has the right to appoint a person able to defend him at trial. The law sets out the circumstances in which the presence of a lawyer acting on behalf of the accused is required and guarantees to those who are financially incapacitated means of seeking legal redress and defending their rights.”
- Article 24: “Any person who is arrested or detained shall immediately be informed of the reasons for his arrest or detention and has the right to contact a person of his choice to inform him of what has taken place or to seek his assistance in the manner regulated by law. He must be promptly informed of the charge against him, He and his representative may file a grievance with the court concerning the procedure by which his personal freedom was restricted.” The law regulates the right of grievance, guaranteeing that the grievance must be settled within a specific period, failing which the person must be released finally.
- Article 25: “The right of litigation is sacrosanct and guaranteed to all persons. The law sets out the procedures and circumstances required for exercising this right and the State guarantees, to the extent possible, that the judicial authorities will reconcile litigants and promptly settle cases.”
- Article 26: “No one may be subjected without his free consent to medical or scientific experimentation.”
- Article 27: “Homes are inviolable and may not be entered without the permission of the occupants except in the circumstances defined by law and in the manner provided for therein.”
- Article 28: “Freedom of religious practice in accordance with recognized customs is guaranteed, provided that there is no disruption of public order or conflict with the standards of moral behaviour.”
- Article 29: “Freedom of opinion and expression, whether spoken, written or in other forms, is guaranteed within the limits of the law.”
- Article 30: “Freedom of postal, telegraphic, telephonic and other forms of communication is sacrosanct and their confidentiality guaranteed. Their censorship, inspection, disclosure, delay and confiscation are therefore not permitted, except in the circumstances defined by law and in accordance with the procedures provided for therein.”
- Article 31: “Freedom of the press, printing and publication is guaranteed in accordance with the conditions and circumstances defined by law. It is prohibited to print or publish material that leads to unrest, prejudices the security of the State or undermines human dignity and human rights.”
- Article 32: “Citizens have the right of assembly, within the limits of the law.”
- Article 33: “The freedom to form associations on a national basis for legitimate objectives and by sound means in a manner that does not conflict with the provisions and objectives of this Basic Law is guaranteed in accordance with the terms and conditions prescribed by law. It is prohibited to establish associations engaging in activities that are inimical to social order, confidential or military in nature. No one may be forced into joining any association.”

- Article 34: “Citizens have the right to address the public authorities on personal matters or on matters relating to public affairs in the manner and in accordance with the conditions prescribed by law.”
- Article 35: “Any foreigner legally resident in the Sultanate shall enjoy protection of his person and property in accordance with the law and shall observe the values of society and respect its traditions and sentiments.”

168. Article 5 of the Non-governmental Associations Act prohibits the establishment of associations on tribal, factional or religious bases and guarantees to foreign communities the establishment of their own social clubs.

169. Article 41 of the Labour Code provides for the right of workers to leave their employment and retain their full rights after giving notice to the employer in a number of cases, including:

- If the employer or his representative misled the worker concerning the terms of employment at the time of the contract;
- If the employer or his representative commits an immoral act against the worker or a member of his family;
- If the worker is assaulted by the employer or his representative.

Under the law, a worker has recourse to departments for the settlement of labour disputes and may claim his full rights, in addition to compensation for any harm suffered. In the event of a physical assault, he may present himself to the Office of the Public Prosecutor in order to bring proceedings against the employer.

(c) Political rights

170. The political rights of citizens are guaranteed under the law. As already stated, the Council of Oman is composed of the Consultative Council (members elected by the people) and the State Council (appointed members), the respective jurisdictions of which are determined by law, as are their terms, sessions and modus operandi. The law also designates their members and sets out the conditions to be fulfilled by those members, the method employed for their selection or appointment, reasons for their exclusion, and other regulatory provisions.

171. The Consultative Council comprises 86 members from the country’s various provinces, who are freely elected by citizens, without government interference. Both sexes are equally eligible to stand as candidates for membership of the Council, provided that they are over 30 years of age. The term of the Council is four years. The Sultanate was the first State in the region to empower women to exercise their political rights and enable their participation in elections (as voters and candidates).

172. Women in the Sultanate of Oman enjoy the right to stand as candidates and vote in elections, on a basis of equality with men, without discrimination, in accordance with article 22 of the Council of Oman Act promulgated by Royal Decree No. 86/97. In the Council’s seventh term (2011–2015), 1,133 persons stood for membership of the Council, including 77 women and 1,056 men.

(d) Other civil rights

(1) Right to freedom of movement and residence within the border of the State

173. Article 18 of the Basic Law of the State provides that personal freedom is guaranteed in accordance with the law and that no person may be arrested, searched,

detained or imprisoned, or have his residence or movement curtailed, except in accordance with the provisions of the law.

174. The Ministry of Manpower also issued Circular No. 2/2006, which specifies that: "Employers may not retain the passports of their workers except in accordance with a judicial order." The General Department of Civil Status in the Sultanate of Oman issues a resident's card to each expatriate and an identity card to citizens for use in official transactions and also, in the case of the expatriate residents, as proof of identity and legal residence status, which dispenses with the need for them to carry a passport at all times when moving about inside the country.

175. The law guarantees the same rights to all Omanis and expatriates, on a basis of equality, with respect to freedom of movement, choice of place of residence and the conclusion of legal transactions. The Aliens' Residence Act also guarantees to all men and women working in the Sultanate the right to be accompanied by their spouse and children.

(2) The right to leave any country, including one's own, and to return to one's country

176. As already stated, the Basic Law of the State guarantees to citizens and residents freedom of movement within the country. With respect to expatriate workers, employers are required under article 56 of the Labour Code to repatriate non-Omani workers to their countries after the work relationship has ended, unless the worker is transferring to another employer. If the employer fails to fulfil that requirement, the competent department must repatriate the worker to his country at the expense of the Government and recover the amount paid from the employer. In all the cases referred to them, the courts have ordered employers to bear the cost of repatriating the worker to his country.

177. Pursuant to Circular No. 2/2006 issued by the Ministry of Manpower, employers may not retain the passports of their workers except in accordance with a judicial order.

(3) The right to nationality

178. As in all countries of the world, any person fulfilling the necessary conditions has the right to apply for citizenship.

179. In the Sultanate of Oman, nationality is governed by the law promulgated pursuant to Royal Decree No. 3/83. One of the established legal principles in the Sultanate is that nationality may not be forfeited or revoked. Neither may a citizen be deported, exiled or prevented from returning to the Sultanate (arts. 15 and 16).

180. Nationality is a political and legal bond, as well as a tie of allegiance, between the individual and the State. In considering applications from persons who fulfil the conditions for acquiring citizenship, the Sultanate does not discriminate on grounds of gender, colour, origin, religion, belief or other kind of distinction against those eligible for citizenship, provided that they meet the legal requirements. Decisions concerning the grant of Omani citizenship to non-Omanis seeking to acquire it remain sovereign.

181. The Sultanate has general policies for guaranteeing human rights, particularly in matters relating to nationality. One outcome of those policies is that Omani nationality is granted to an Omani child whose father is of unknown nationality. Similarly, children of an Omani woman and her foreign spouse are treated as Omani insofar as they benefit, without discrimination, from the same services provided by the State to Omani children, including education and health.

182. The Sultanate has procedural policies in place for dealing with any nationality-related problems in order to preclude the occurrence of statelessness. Indeed, the

competent authorities appraise obstacles and difficulties relating to matters of nationality and formulate appropriate solutions to them. There are no “Bidun” in Oman.

183. In accordance with article 36 of the Basic Law, expatriates may apply for political asylum and residency in Oman if they face persecution for political reasons, provided that there is no inconsistency in so doing with the general policy of the Sultanate.

(4) The right to marriage and choice of spouse

184. The law governing family relationships is the Personal Status Code, promulgated pursuant to Royal Decree No. 22/97.

185. Equality in marriage: The Personal Status Code recognizes no other manner or tie with respect to forming a family. A person becomes legally competent to marry on reaching the age of 18 years.

186. In article 282, the Personal Status Code confers on non-Muslims the right to have their own provisions in respect of personal status issues applied, unless they request the application of Omani law.

187. Article 211 provides that: “Procedures relating to marriage are protected in keeping with the religious belief of each party.” Offences against personal freedom are punishable by law, pursuant to articles 256 to 356, as are offences involving deprivation of liberty, concealment of an abducted person or kidnapping.

188. Every human being, on a basis of equality, has the right to marriage and choice of spouse. A woman is free to choose her spouse and no marriage is entered into without her consent.

189. Private property is sacrosanct for all and a wife’s financial status is separate from that of her husband. She thus has the right to dispose of her property as she wishes, without having to seek her husband’s consent.

190. The betrothal of children is socially and legally unacceptable and is never practised in Omani society.

191. Pursuant to Royal Decree No. 55/2010 concerning the prevention of marriage, a woman now has the right of direct recourse to the Supreme Court in order to marry the person of her choice in the event that her guardian does not consent to her marriage.

(5) The right to own property alone as well as in association with others

192. Article 11 of the Basic Law of the State states in its first paragraph that: “The national economy is founded on justice and the principles of a free economy. Its chief pillar is constructive, fruitful co-operation between public and private activity and its aim is to achieve economic and social development conducive to increased production and a higher standard of living for citizens, in accordance with the general plan of the State.”

193. The second paragraph of the same article states: “Freedom of economic activity is guaranteed within the limits of the law and the public interest in order to ensure the well-being of the national economy. The State shall encourage saving and oversee the regulation of credit.”

194. The third paragraph of the article states: “All natural resources are the property of the State, which safeguards them and ensures that they are properly utilized, taking into account the requirements of State security and the interests of the national economy. No concession may be granted, nor may any of the country’s public resources be exploited, except in accordance with the law for a limited period of time and in such a manner as to preserve national interests.”

195. The fourth paragraph of the article states: “Public property is inviolable. The State shall protect it and citizens and residents shall preserve it.”

196. The fifth paragraph of the article states: “Private property is protected. No one shall be prevented from disposing of his property within the limits of the law and no one’s property shall be expropriated, except for the public benefit in the circumstances defined by law and in the manner provided for therein, on condition that the person concerned receives fair compensation. Inheritance is a right governed by Islamic shariah.”

197. The sixth paragraph of the article states: General confiscation of property is prohibited and the penalty of specific confiscation shall be imposed only by judicial order in the circumstances defined by law.”

198. The seventh paragraph of the article states: “The basis of taxes and public dues shall be justice and the development of the national economy.”

199. The eighth paragraph of the article states: “The institution, adjustment and cancellation of public taxes shall be done by law. No one may be exempted from payment of all or part of such taxes other than in the circumstances defined by law. No tax, fee or other entitlement of any kind may be applied retroactively.”

200. On the basis of the freedom of economic activity in the Sultanate of Oman and the protection of private and public assets, the Government promulgated a body of laws to protect foreign capital investment, including the Communications Regulation Act, the Foreign Capital Investment Act, the Trade Act, the Unified Industrial Regulation Act for the Arab States of the Gulf, the Industrial Property Rights Act, the Copyright and Related Rights Act, the Consumer Protection Act, the Commercial Register Act, the Commercial Register Rules, the Capital Act, the Tourism Act, the Commercial Companies Act, the Industry Regulation and Promotion Act, the Income Tax Act, the Labour Code, the Oman Chamber of Commerce and Industry Act, the Electronic Transactions Act, the Free Zones Act, the Tenders Act, the Trade Agencies Act and the Technical Regulations on Food Fortification.

201. All of these laws, together with those promulgated on the subject of land ownership, contribute to the stimulation of trade and economic activity and preserve the ownership rights of investors.

(6) The right to inherit

202. As stated in paragraph 205 [sic], the Personal Status Code governs all matters relating to civil status, including marriage, divorce, maintenance, consensual divorce in return for compensation of the husband by the wife (*khul'*), lineage, bequests, inheritance and so forth. Islam safeguards women’s rights on the basis of justice, equity and balance, considering and comparing women’s duties and men’s obligations and then fairly setting out the share of each.

203. The discrepancy between the shares of male and female inheritors in the Islamic system is dictated by three criteria:

- The closeness of the relationship between the inheritors, whether male or female, and the deceased;
- The generational position of the inheritor;
- The financial burden, which the Islamic shariah recognizes as being placed on the inheritor because of his responsibilities towards others. It should be noted, however, that women in many cases obtain a greater share of an inheritance than men.

(7) The right to freedom of thought, conscience and religion

204. Article 29 of the Basic Law of the State affirms that freedom of opinion and expression in spoken, written and all other forms is guaranteed within the limits of the law.

205. Article 28 also affirms that freedom of religious practice in accordance with recognized customs is guaranteed, provided that there is no disruption of public order or conflict with the standards of moral behaviour.

206. On 16 December 1997, the Ministry of Endowments and Religious Affairs was created to deal specifically with matters relating to the established government policy on the practice of belief and religion.

207. In keeping with the State's belief in the freedom of faith and religion, there are various churches in the Sultanate of Oman where religious services are held by Christians, in addition to places of worship for followers of other faiths.

208. In praising the freedom of religion in the Sultanate, the United States Department of State affirmed that the country's Government endeavours to respect the principle of freedom of belief in accordance with the general frameworks in place. The Annual Report on International Religious Freedom for 2009, which is published by the United States Department of State, made reference to the fact that the Basic Law of the State in the Sultanate prohibits discrimination among citizens on grounds of religion and provides for freedom of religious practice with the framework of public order.

209. The report emphasized that the policies of the Sultanate contributed to the generally free practice of religion but within defined parameters.

210. The report also emphasized that there were no reports of societal abuses based on religious affiliation, belief or practice.

211. The report stated that non-Muslims in the Sultanate are permitted to practise their beliefs, without interference, on land specifically donated to them by His Majesty Sultan Qaboos bin Said — may God preserve and protect him — for the purpose of religious worship. It further stated that there were no reports of any citizen being forced to convert from his religion and that, during the reporting period, the Sultanate had made great strides forward in encouraging freedom of religion by sponsoring forums for promoting interfaith dialogue. It added that the Institute for Shariah Sciences also hosts non-Muslim students from foreign institutions for extended periods to perform in-depth research on Islam. The report noted the focus of Muslims in the Sultanate on working positively for interfaith dialogue and encouraging tolerance among Muslim and non-Muslim communities, pointing out that no one is arrested or detained on grounds of religion.

(8) The right to freedom of opinion and expression

212. Articles 29 and 31 of the Basic Law of the State provide for freedom of opinion and expression and freedom of the press. Together with the Press and Publication Act (promulgated pursuant to Royal Decree No. 49/1984), these provisions create a climate enabling the Omani press to exercise this right responsibly.

213. The Press Act was amended pursuant to Royal Decree No. 87/2004 in order to permit the establishment of newspapers, publishing houses, printing businesses and advertising companies on a commercial basis. In accordance with Royal Decree No. 95/2005 and its implementing regulations, the private sector may also establish, manage and operate radio and television companies. There is no restriction on electronic websites, provided that they are not pornographic and contain no scenes that are incompatible with the values and traditions of society or harmful to religion.

214. Nine daily newspapers and around 73 journals and magazines are currently published in Oman. There are some 76 advertising agencies and publishing houses and over 130 printing businesses, in addition to a number of State-run radio and television stations and a State-owned website (Omanet). As to privately-owned radio and television channels, there are three FM radio stations and one 24-hour television channel, which first broadcast in 2008.

215. In October 2010, the Public Authority for Radio and Television was established pursuant to Royal Decree No. 108/2010. The Authority is a legal entity, has financial and administrative independence and carries out its activities in accordance with commercial rules.

216. There are two main telecommunications and Internet service provider companies in the Sultanate of Oman: Omantel, a joint public-private company, and the Omani-Qatari telecommunications company Nawras, which is fully owned by the private sector.

217. In November 2004, the Oman Journalists' Association was instituted with the aim of raising awareness of matters relating to the press and media in order to help the Omani press to flourish, strengthen the professional competence of journalists, protect the principles of journalism on the basis of social traditions and professional ethics, and safeguard the rights and interests of journalists. The Association has been admitted to the membership of the International Union of Journalists. The Oman Writers' Association was also instituted in October 2006 with the aim of promoting the literary and intellectual movement in Oman.

218. The right to freedom of opinion and expression in Omani society was given a firm foundation in an address delivered by His Majesty Sultan Qaboos bin Said during a visit to Sultan Qaboos University in 2000, in which he asserted that "suppression of freedom of thought, reflection and independent judgement is one of the greatest sins and we will never allow anyone to stifle thought".

(9) The right to freedom of peaceful assembly and association

219. Women enjoy the right to work and to take part in trade unions, workers' federations and social development committees in order to defend their rights and bring about their participation in the development of projects for women, the family and society.

220. The Non-governmental Associations Act promulgated pursuant to Royal Decree No. 14/2000 guarantees the right to establish, form and join NGOs. There are now some 53 women's associations dispersed throughout the country's governorates and provinces.

(10) Economic, social and cultural rights, in particular

The right to work

221. The Labour Code promulgated in 2003, as subsequently amended, most recently by Royal Decree No. 113/2011, regulates contracts of employment, pay, leave, working hours, employment of minors, women's employment, and occupational safety and health, in addition to setting out rules relating to the representation of workers, the establishment of workers' unions, the settlement of labour disputes and penalties for offenders.

222. Article 12 of the Basic Law of the State provides that: "The State shall enact laws protecting workers and employers and regulating the relationship between them. All citizens have the right to engage in the work of their choice within the limits of the law. No compulsory labour may be imposed on anyone other than pursuant to a law for the performance of a public service and for fair remuneration."

223. According to the Basic Law of the State, the Ministry of Manpower must endeavour to provide suitable job opportunities for citizens, meet the needs of the private sector using the available Omani workforce, and address the shortage in professional areas of specialization by recruiting workers on temporary contracts. There are no legal obstacles other than the minimum age of employment and the qualifications required to fill the job. A written contract of employment is drawn up for anyone who is unable to read and write or who does not know the language of the contract. The contract must be validated by the legally competent authority, the intention being to ensure that it contains no unfair or discriminatory terms and that the earnings and benefits received by the worker are no lower than those established by law.

224. In accordance with article 35 of the Code, the employer must not deviate from the terms of the contract or assign the worker to work other than that agreed.

225. Article 11 of the Labour Code also provides that: "Every employer shall ensure that all workers performing the same work under the same conditions are treated equally."

The right to form and join trade unions

226. Royal Decree No. 112/2006 provides for the establishment of trade unions.

227. Royal Decree Nos. 74/2006 and 112/2006 were promulgated to amend the Labour Code and give workers the right to establish trade unions in accordance with international labour standards. On 4 February 2007, the Ministry of Manpower issued Decision No. 17/2007 amending Ministerial Decision No. 294/2006 concerning the regulation of collective bargaining, peaceful strike action and shut-downs. Members of these federations and trade unions enjoy adequate independence and protection. Workers in Oman may also exercise the right to strike and to collective bargaining in accordance with the law. For their part, employers have the right to shut down activities, as provided for in Ministerial Decision No. 294/2006.

228. Articles 108, 109 and 110 of the Labour Code set out the right of workers to form trade unions in order to look after their interests, defend their rights, improve their financial and social status, and represent them in all matters relating to their affairs, as well as their right to form workers' federations and a general federation for workers in the Sultanate of Oman.

229. Ministerial Decision No. 59/2010 concerning the rules on the formation, operation and registration of trade unions, workers' federations and the General Federation of Workers of the Sultanate of Oman was promulgated on 7 February 2010, rescinding earlier Ministerial Decision No. 24/2007, in order to regulate trade union activity in compliance with the relevant international standards. Following the promulgation of these amendments in 2010, the number of trade unions registered by December 2011 amounted to 139.

230. The General Federation of Oman Trade Unions elected the members of its governing board and financial oversight committee at its Founding Congress, which took place on 10 February 2010 and was attended by representatives of the Arab Labour Organization, the International Labour Organization, the World Federation of Trade Unions, the International Confederation of Arab Trade Unions, the American Center for International Labor Solidarity and the Norwegian Confederation of Trade Unions, in addition to representatives of Arab workers' federations. The membership of the Federation comprises every trade union in the country.

231. On 3 March 2010, a committee for social dialogue among labour market partners was established by Ministerial Decision No. 99/2010. The committee is composed of the General Federation of Workers of the Sultanate of Oman, the Oman Chamber of Commerce and Industry, and the Ministry of Manpower. One of its functions is to work in concert on

guiding the efforts of labour market partners, with workers also represented on the committee, on an equal basis, by members of the General Federation of Workers of the Sultanate of Oman.

The right to housing

232. The State provides housing for citizens through various programmes regulated by the Social Housing Act promulgated by Royal Decree No. 37/2010. These programmes offer housing units, housing assistance or a housing loan.

233. For all tenants, without distinction between citizens and residents of the country, the process of leasing accommodation is regulated by Royal Decree No. 72/2008 and Royal Decree No. 107/2010, which govern the relationship between landlord and tenant.

234. Employers are required either to provide suitable accommodation for their workers, in addition to meals and drinking water, in accordance with article 34 of the Labour Code, or to provide a housing allowance so that the workers can pay for their own accommodation. The accommodation must meet the conditions set forth in the implementing regulations for occupational safety and health issued by Ministerial Decision No. 286/2008.

The right to public health, medical care, social security and social services

235. Details of the rights available to citizens and residents are provided in the earlier discussion of economic and social rights.

236. Article 33 of the Labour Code provides that an employer must “provide on-site medical facilities for his workers. If he employs over 100 workers in a single location or town, he must engage a qualified nurse to carry out first aid, appoint a doctor to attend to and treat workers in a place designated for that purpose, and supply any medication required for treatment, free of charge. If the number of workers exceeds 500, he must in addition to the above ensure their access to all other treatment facilities, including medication, free of charge, in cases requiring the assistance of a consultant physician, surgical procedures and the like”.

237. If a worker is treated in a government or private hospital, the employer must shoulder the costs of the treatment, the medication and the stay in hospital.

238. An employer’s provision of these facilities is checked through inspections conducted by the competent officers.

The right to education and training

239. Details of the rights available to citizens and residents are provided in the earlier discussion of economic and social rights.

The right to equal participation in cultural activities

240. Article 13 of the Basic Law of the State enshrines a set of cultural principles aimed at raising and developing general cultural standards, promoting scientific thought, kindling the spirit of inquiry, meeting the needs of the economic and social plans, and creating a generation strong in body and moral fibre, proud of its nation, country and heritage and committed to safeguarding their achievements, in addition to fostering and preserving the national culture and encouraging and disseminating the sciences, literature and scientific research.

241. Underscoring the importance of scientific research in reinforcing the scientific premises for sustainable development so as to address scientific and technical challenges,

the Government of the Sultanate of Oman established a scientific research council on 22 June 2005, pursuant to Royal Decree No. 54/2005, in order to develop a national integrated scientific strategy, including support for individual inventions, research plans and the publication of scientific works. The Scientific Research Council Act was also promulgated by Royal Decree No. 30/2010 in order to regulate, advance, promote and support scientific research in the Sultanate and ensure that it keeps pace with the requirements of socioeconomic development.

242. Intercultural communication and dialogue among civilizations are key factors in building a global society free of the negative images that affect social progress. In 2007, the Ministry of Education, as represented by the Oman National Commission for Education, Culture and Science, espoused the “Intercultural Communication” project, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Islamic Educational, Scientific and Cultural Organization (ISESCO), with a view to promoting dialogue and changing negative images that Arab and Western cultures may have of each other. Under this initiative, annual trips inside Oman are organized for groups of young persons between 17 and 18 years of age from Arab and other countries around the world. In a statement issued on 16 December 2010, UNESCO praised the project as a globally pioneering civil society initiative.

243. The Omani education curriculum is designed to build Omani citizens open to the reality of the world’s diversity and difference by focusing on the quality of information for learners so that they are better equipped to deal with the local and global environment.

244. The overarching objectives of the Islamic education curricula have focused on peace-related values as a fundamental concept in our Arab Islamic culture. Care has also been taken in the subject of Arabic language to cover themes revolving around the culture of peace and mutual understanding through showing the importance of peace for the human being, his society and his world, while the social studies curricula cover the vital prerequisites for global peace. The educational philosophy behind the remaining subjects is likewise centred around instilling the values and principles of fellowship and solidarity and curtailing practices involving racial discrimination.

245. In 2009/10, a number of schools run by the Ministry of Education took part in the competition “I am a global citizen”, which is designed to promote identification with the diverse cultures of the world. The competition is funded worldwide by the British Council, in cooperation with ministries of education in Middle Eastern countries.

(e) **The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks**

246. The Government of the Sultanate of Oman promulgated the Tourism Act by Royal Decree No. 33/2002 in order to regulate the country’s tourism. The Act defines a tourist as a national or foreigner who aims to achieve one or more of the purposes of tourism and makes no distinction between citizens and foreigners. All public facilities in the Sultanate, such as transport, hotels, restaurants, cafes, recreational areas, dedicated clubs, theatres and parks, are open to all, without exception. Annex V provides data on the number of tourist visas issued during the period 2007–2009.

Recommendation No. 18 concerning a review of the legislation on the acquisition of Omani nationality in order to ensure that both parents are allowed to transmit their citizenship to their children, bearing in mind general recommendation 30 (2004) on non-citizens

247. The Sultanate has procedural policies in place for dealing with any nationality-related problems in order to preclude the occurrence of statelessness. The Omani

Nationality Act, promulgated pursuant to Royal Decree No. 3/73, sets out the conditions of eligibility for Omani nationality, which is granted to persons fulfilling the conditions provided for by law, who have the rights prescribed by law. Omani nationality is granted on the basis of an application submitted to the Ministry of the Interior, pursuant to a royal decree promulgated on the subject.

Recommendation No. 19 concerning guarantees against racial discrimination

248. As part of the increasing global response to human trafficking, the Government stepped up its determination to combat such trafficking. Its efforts led to promulgation of the Human Trafficking Act (pursuant to Royal Decree No. 126/2008) and the establishment of the National Committee for Combating Human Trafficking (promulgated pursuant to Royal Decree No. 124/2008), which is headed by the Inspector-General of Police and Customs. Comprising members of various governmental entities and NGOs, the Committee is charged with reporting annually to the Council of Ministers.

249. The Government also reviewed and amended the Labour Code (promulgated pursuant to Royal Decree No. 63/2009) in order to assist the efforts to tackle human trafficking and forced labour. The Act contains stricter penalties for offenders and strengthens the regulations on the appointment and employment of expatriate workers in the Sultanate.

Recommendation No. 20 concerning the establishment of a national human rights institution

250. The National Human Rights Commission was established in 2008, pursuant to Royal Decree No. 124/2008, which set out its functions (annex). The members of the Commission were also designated pursuant to Royal Decree No. 10/2010 (see paras. 17 and 18 of the present report).

251. Reform and deterrence are the concepts central to the policy approach to punishment in Oman.

252. The Prisons Act (promulgated pursuant to Royal Decree No. 48/98) deals with the rights of prisoners, covering all of the relevant legislation and regulations.

Recommendation No. 21 urging the Sultanate of Oman to make the optional declaration provided for in article 14 of the Convention

253. The Sultanate of Oman and its institutions implement the law and the National Human Rights Commission furthermore guarantees all of the rights on which the optional declaration concentrates.

Recommendation No. 22 concerning ratification of the amendments to article 8 of the Convention

254. The amendments to article 8 of the Convention are being considered by the Sultanate for a decision concerning their ratification.

Recommendation No. 23 concerning accession by the Sultanate of Oman to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

255. This Convention is indeed of interest and is still under scrutiny and consideration with a view to an appropriate decision being made on the subject.

Recommendation No. 24 concerning the Durban Declaration

256. Given its genuine faith in human rights at all levels and in a culture rooted in the values of tolerance, peace, justice and equality, the Sultanate accords full respect and priority to human dignity and continues to develop and guarantee the highest standards in the promotion and protection of human rights, drawing on its social and cultural values in the light of the principles established by Islamic shariah and its obligations in implementing the international treaties and conventions which it has ratified and which have been given effect under the Basic Law of the State. By virtue of these principles, the Sultanate has taken into account in its domestic legal order the recommendations set forth in the Durban Declaration, in particular in respect of articles 2 to 7 of the Convention, in accordance with article 17 of the Basic Law of the State. Furthermore, the fact that over one million expatriates accounting for over 60 nationalities are employed in the Sultanate confirms that security, peace and the guarantee of rights for all are well established across the country. As has been stated, the Sultanate recognizes the importance of combating racial discrimination worldwide. It has therefore ratified numerous international conventions and signed memoranda of understanding with various States in order to guarantee human rights, to which end it established the National Human Rights Commission and the National Committee for Combating Human Trafficking. The presence of churches and numerous places of worship for other faiths underlines the freedom of religion and belief. As mentioned, the United States Department of State commended the efforts of the Government of the Sultanate to respect the principle of freedom of belief in accordance with the general frameworks in place. Its report also emphasized that there were no reports of any societal abuses based on religious affiliation, belief or practice and no reports of any non-Muslim citizen being forced to convert from his religion.

Recommendation No. 25 on making the report readily available to the public and publicizing the observations of the Committee

257. In accordance with the procedures in place, the Sultanate will publicize the report and the observations of the Committee.

Recommendation No. 26 concerning consultation with civil society working in the area of combating racial discrimination

258. Civil society organizations were consulted and the draft report was submitted to them for comment before it was finalized. It is worth mentioning that a representative of the country's National Human Rights Commission is a member of the working group involved in the preparation of this report.

Annex I

Population

Total population by governorate and region (mid-year estimates)

<i>Governorate/region</i>	<i>2010</i>		<i>Total</i>
	<i>Omani</i>	<i>Expatriate</i>	
Muscat	407 006	368 872	775 878
Batinah	620 950	151 640	772 590
Musandam	21 898	9 527	31 420
Dhahirah	118 877	32 787	151 664
Dakhiliyah	269 069	57 586	326 655
Sharqiyah	293 394	57 120	350 514
Wusta	19 043	23 068	42 111
Dhofar	164 073	85 656	249 729
Buraymi	43 026	29 891	72 917
Sultanate	1 975 336	816 147	2 773 483

Annex II

Health

<i>Description</i>	<i>2010</i>
1. National health services	
Hospitals	62
Hospital beds	5 721
Health centres, units and clinics	1 013
Health staff	
Doctors	5 862
Male and female nurses	12 865
Dentists	654
Pharmacists	1 251
2. Ministry of Health	
Hospitals	50
Hospital beds	4 692
Health centres	154
With beds	70
Without beds	84
Health centre beds	145
Health complexes	22
Health staff	
Doctors	4 123
Male and female nurses	10 059
Dentists	259
Pharmacists	279
Ministry of Health expenditure	
Current (OMR millions)	341.5
Investment (OMR millions)	57.9
Percentage of total government spending	5.0

Annex III

Education

Educational services

<i>Description</i>	<i>2010</i>
General secondary school graduates admitted to university or college	23 858
Sultan Qaboos University	2 773
Private universities and colleges	9 325
Universities and colleges abroad	229
Technical colleges	8 427
Applied science colleges	1 944
College of Banking and Financial Studies	636
Institute of Health Sciences	636
Institute of Sharia Sciences	224

<i>Description</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010/11</i>
I. Governmental				
General and private education	Number	Number	Number	Number
Schools	1 005	1 050	1 043	10 043
Students	554 289	451 482	531 283	523 112
Classes	19 880	19 744	19 0399	77 193
Teachers	42 165	43 443	44.429	45 338
Ratio of secondary level students (%)	24	24	23	28
Ratio of girls to total students (%)	49	49	49	49
Students per teacher	13	12	12	12
Students per class	28	27	27	27
Adult education centre	83	66	74	70
Adult education	Number	Number	Number	Number
Students at adult education centres	34	23	22	29 140
Ratio of women (%)	32	29	31	310
Literacy centres	94	93	31	310
Students (thousands)	11	11	9	10 595
Ratio of women (%)	97	96	95	95
Ministry of Education expenditure (OMR millions)	474.5	528.6	-	657 557.00
Investment (OMR millions)	42.4	51.0	-	
Percentage of total government spending	8.8	7.7		
Per capital share of government spending on education	188.4	202.2	-	

<i>Description</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010/11</i>
2. Private				
General education	Number	Number	Number	Number
Schools	207	233	343	387
Students	70 677	81 907	56 204	65 326
Classes	3 092	3 326	3 084	3 560
Teachers	4 200	4 744	4 489	5 241
Students per teacher	17	17	13	13
Students per class	23	25	18	18
General certificate holders	67 141	51 314	45 303	657

Annex IV

Employment

<i>Description</i>	<i>2010</i>
1. Government employees	
Total government employees	163 982
Civil service	128 415
Omani	114 206
Expatriate	14 209
Diwan of Royal Court	10 579
Omani	6 374
Expatriate	4 205
Royal Court Affairs	15 009
Omani	12 226
Expatriate	2 783
General data	9 979
Omani	7 564
Expatriate	2 415
2. Private sector workers	
Omanis registered with the Public Authority for Social Insurance	177 716
Men	143 482
Women	34 234
Expatriate workers with valid employment cards (thousands)	956
3. Workers in key private sector institutions	33 322
Oil companies	8 904
Omani	6 851
Expatriate	2 053
Gas companies	665
Omani	594
Expatriate	71
Commercial banks	8 487
Omani	7 739
Expatriate	748
Insurance companies	1 925
Omani	1 110
Expatriate	815
Hotels	9 621
Omani	4 388
Expatriate	5 233
Telecommunications	3 720
Omani	3 266
Expatriate	454

Annex V**Tourism**

<i>Description</i>	<i>2010</i>
Tourist visas issued	2 010
Museums	9 444
Visitors to museums (thousands)	9
Fortresses and castles	119
Visitors to fortresses and castles (thousands)	26
Hotels and lodging	202
Rooms in hotels and lodging	226
Revenue from hotels and lodging (OMR million)	11 183
