

OMAN 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Sultanate of Oman is ruled by a hereditary monarchy. Sultan Qaboos al-Said has ruled since 1970. The sultan has sole authority to enact laws through royal decree, although ministries draft laws and citizens provide input through the bicameral Majlis Oman (Oman Council). The Majlis is composed of the Majlis al-Dawla (State Council), whose 83 members are appointed by the sultan, and the elected, 84-member Majlis al-Shura (Consultative Council). The last elections took place on December 22 when citizens chose among 1,600 candidates to elect 192 citizens to seats in 11 municipal councils. The 29-member Council of Ministers, selected by the sultan, advises him on government decisions. In 2011 a new law granted the Oman Council powers that expanded its policy review function to include approving, rejecting, and amending legislation and convoking ministers of agencies that provide direct citizen services. Security forces report to civilian authorities.

The principal human rights problems were the inability of citizens to change their government, limits on freedom of speech and assembly, and discrimination against women, including political and economic exclusion based on cultural norms. Thirty-two individuals were convicted on charges of libel against the sultan during the year, receiving prison sentences from six to 18 months and fines of 500 to 1,000 Omani rials (approximately \$1,300 to \$2,600). Another 12 individuals were convicted on charges of illegal assembly (assembly without a permit) while peacefully protesting some of the libel convictions. The protesters each received a prison sentence of one year and a 1,000 rial fine (approximately \$2,600).

Other ongoing concerns included lack of independent inspections of prisons and detention centers, restrictions on press freedom, instances of domestic violence, and instances of foreign citizen laborers placed in conditions of forced labor or abuse.

Security personnel and other government officials generally were held accountable for their actions. The Head of Finance of the Royal Oman Police (ROP) was prosecuted, sentenced, and jailed for four-and-a-half years for embezzlement of over 700,000 Omani rials (approximately \$1.8 million). In a separate case, after security forces shot and killed a protester in 2011, authorities conducted an investigation but held no one liable.

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were no reports of protesters being killed or other arbitrary or unlawful killings. In contrast, throughout 2011 there were reports that security forces shot and killed up to six protesters while dispersing protests and demonstrations. The Ministry of Health reported that only one protester died during the demonstrations.

In April, 23 persons received prison terms ranging from a few months to five years for their participation in a February 2011 protest where security forces killed one individual.

b. Disappearance

Politically motivated disappearances were reported in the country. On May 31, security forces detained Ismael al-Meqbali, Habiba al-Hinai, and Yaqoub al-Kharusi, human rights activists who were visiting striking oil workers. Authorities released al-Hinai and charged al-Kharusi. Al-Meqbali's friends and family were not informed of his whereabouts for weeks. Eventually, authorities permitted al-Meqbali to speak to his family by telephone and allowed his brother to visit him in detention.

In 2011 human rights activists, Saeed al-Hashmi and Basma al-Rajhi, reported being abducted from their car by several men, taken to a remote area, and beaten. Al-Hashmi and al-Rajhi alleged that their kidnappers demanded they stop their political activities. Although they reported the incident to police, authorities have not identified the attackers.

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

While the law prohibits such practices, prisoners detained on charges of seditious assembly complained of sleep deprivation, subjection to extremely cold temperatures, and solitary confinement. The government denied these accusations, made no investigation into the complaints, and did not charge any officers.

On October 19, human rights activist Basma al-Rajhi reported that authorities kept her in a police-run hospital for several days following her attack in the desert a

year earlier. While she was at the hospital, al-Rajhi claimed a security services officer accompanied her at all times and that medical personnel conducted a virginity test on her.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards; however, there were reports that security forces abused prisoners held on politically sensitive charges.

Physical Conditions: Prisoners had access to potable water. Conditions for female prisoners were on par with those of their male counterparts. Political prisoners reported experiencing worse treatment than individuals charged with criminal offenses. The primary detention center for illegal immigrants was overcrowded. There were on average 750 convicted individuals in jail during the year and another few hundred awaiting trial. There were also several hundred undocumented immigrants in detention centers awaiting deportation.

On June 11, authorities arrested two women along with 20 other protesters. Authorities held them under administrative detention without charge or trial and denied access to family, friends, and their lawyers for several days. The two women, Basma al-Kiyumi and Basima al-Rajhi, reported they did not receive any access to medical treatment. The two reportedly were on a hunger strike for seven days.

In December 2011 several detainees convicted of crimes related to illegal protesting began a hunger strike that lasted approximately one week. Those detained on charges of illegal assembly complained of poor medical treatment, including treatment by other prisoners instead of by professional medical personnel.

Administration: There were no complaints about poor recordkeeping in the prison system, and consequently the government did not take any steps to improve it. Alternative sentencing for nonviolent prisoners was not available. There is no ombudsman to serve on behalf of prisoners and detainees. Prisoners and detainees did not always have reasonable access to visitors, as in the case of Ismael al-Meqbali. Authorities permitted prisoners to have religious observance. Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. The National Human Rights Commission (NHRC), a

governmental body, investigated and monitored prison and detention center conditions through site visits, and authorities in some cases investigated claims of abuse, but the results of investigations were not documented in a publicly accessible manner.

Monitoring: The law permitted visits by independent human rights observers; however, there were no actual independent human rights observer groups working in the country. Consular services from various embassies and the NHRC regularly visited prisons and met with prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. There was one report of a foreign citizen woman held in a women's prison for 18 months without charge; the NHRC also investigated and resolved the case. Following the release of several individuals on bail accused of illegal assembly, security forces rearrested several of the defendants on unknown charges.

Role of the Police and Security Apparatus

The Royal Office, part of the cabinet, controls internal and external security and coordinates all intelligence and security policies. Under the Royal Office, the Internal Security Service investigates all matters related to domestic security, and the sultan's Special Forces have limited border security and antismuggling responsibilities. The ROP, also part of the cabinet, perform regular police duties, provide security at points of entry, serve as the country's immigration and customs agency, and includes the Coast Guard. The Ministry of Defense, and in particular the Royal Army of Oman (RAO), is responsible for securing the borders and has limited domestic security responsibilities. The security forces performed their duties effectively.

Civilian authorities generally maintained effective control over the Internal Security Service, the sultan's Special Forces, the RAO, and the ROP.

Arrest Procedures and Treatment While in Detention

The law does not require police to obtain a warrant before making an arrest but provides that police must either release the person or refer the matter to the public prosecutor within specified time frames. For most crimes, the public prosecutor

must formally arrest or release the person within 48 hours of detention; however, the law permits authorities to hold individuals for up to 30 days without charge in cases related to security. There was a functioning bail system for most individuals, but some prisoners granted bail and released by civilian judges were immediately rearrested by security forces. Detainees generally had prompt access to a lawyer of their choice, although meetings between some prisoners and their attorneys were allowed only in the presence of the public prosecutor. At least one detainee, al-Meqbali, reportedly did not have access to an attorney for at least two weeks after his initial detention. The state provided public attorneys to indigent detainees. Authorities generally allowed detainees prompt access to family members, but police sometimes failed to notify a detainee's family, as in al-Meqbali's case. In cases involving foreign citizen workers, police sometimes failed to notify the detainee's local sponsor.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention, but it reportedly occurred in cases relating to political protests.

Pretrial Detention: For crimes related to terrorism or national security, the law allows police to hold a detainee for up to 30 days without charge, and authorities used this law several times during the year. Court orders are required to hold suspects in pretrial detention. Judges may order detentions for 14 days to allow investigation and may grant extensions at their discretion. In most cases, judges permitted defendants to be released on bail while lengthy investigations took place.

Amnesty: The sultan tended to pardon and grant amnesties to prisoners throughout the year and on holidays. On July 23, the sultan pardoned 182 prisoners including 86 foreigners. The sultan pardoned 278 prisoners for Eid al-Adha, 215 prisoners for Eid al-Fitr, and 115 prisoners for National Day. The pardons were for petty criminals and not for prisoners on charges related to security or freedom of expression.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the sultan may act as a court of final appeal and exercise his power of pardon as chairman of the Supreme Judicial Council, the country's highest legal body, which is empowered to review all judicial decisions. Authorities generally respected court orders; however, a number of individuals who were released from detention were immediately rearrested on unknown charges. While the government generally respected judicial independence, in the case of some defendants held on charges of illegal assembly,

there were reports that the government improperly influenced judges in their cases. In 2011 the media questioned government influence in the *Azzaman* newspaper case, in which two of the newspaper's editors and one government employee were convicted of slander. Principles of Sharia (Islamic law) inform the civil, commercial, and criminal codes. There were no women judges. Civilian or military courts try all cases.

Trial Procedures

The law provides for the right to a fair trial and stipulates the presumption of innocence. Language interpretation for non-Arabic speakers was frequently unavailable. Citizens and legally resident noncitizens have the right to a public trial, except when the court decides to hold a session in private in the interest of public order or morals, and the judiciary generally enforced this right. While the vast majority of legal proceedings were open to the public, lese-majeste and freedom of expression trials were sometimes closed. There is no trial by jury.

Defendants have the right to be present, consult with an attorney in a timely manner, present evidence, and confront witnesses. Courts provide public attorneys to indigent detainees and offer legal defense for defendants facing prison terms of three years or more. The prosecution and defense counsel direct questions to witnesses through the judge. Defendants and their lawyers generally had access to government-held evidence relevant to their cases. Those convicted in any court have one opportunity to appeal a jail sentence longer than three months and fines of more than 480 rials (approximately \$1,250) to the appellate and supreme courts. The judiciary generally enforced these rights for all citizens. In contravention to the law, however, some judges in provincial areas occasionally discriminated against female defendants by requesting that they appear in court with their fathers or husbands. In such cases women could seek redress for such treatment by appealing through the courts.

Political Prisoners and Detainees

The courts convicted 32 individuals for peaceful activities, including posting comments on social media Web sites and participating in peaceful demonstrations in which they either directly or indirectly criticized the government. They received prison sentences of six to 18 months and fines of 200 to 1,000 rials (approximately \$520 to \$2,600). For example, in late May and early June, authorities arrested Ishaq al-Aghbari, Ismael al-Meqbali, Ali al-Haji, Mahmoud al-Jamoudi, Hassan al-Rauqaishi, Nabhan al-Hanashi, Khaled al-Noufali, Sultan al-Sa'adi, and Hatim al-

Maliki for offenses including insulting the sultan, undermining the status of the state, and using the Internet to publish defamatory material. On June 11, police arrested over 20 human rights activists in front of a police station in Muscat for demanding the release of the activists who had recently been detained. Political prisoners reported that they received worse treatment than other prisoners.

Civil Judicial Procedures and Remedies

Civil laws govern civil cases. Citizens and nonnationals were able to file cases, including lawsuits seeking damages for human rights violations. The judiciary was generally independent and impartial, and police enforced court orders effectively for all persons. The Administrative Court reviews complaints about the misuse of governmental authority. It has the power to reverse decisions by government bodies and to award compensation. Appointments to this court are subject to the approval of the Administrative Affairs Council. The court's president and deputy president are appointed by royal decree based on the council's nomination. Citizens and foreign workers may file complaints regarding working conditions with the Ministry of Manpower for alternative dispute resolution. The ministry may refer cases to the courts if it is unable to negotiate a solution.

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

The law does not require police to obtain search warrants before entering homes, but they often obtained warrants from the Public Prosecutor's Office. The government monitored private communications, including cell phone, e-mail, and Internet chat room exchanges.

The Ministry of Interior required citizens to obtain permission to marry foreigners, except nationals of Gulf Cooperation Council (GCC) countries, whom citizens may marry without restriction; permission was not automatically granted. Citizen marriage to a foreigner abroad without ministry approval may result in denial of entry for the foreign spouse at the border and preclude children from claiming citizenship rights. It also may result in a bar from government employment and a 2,000 rial fine (approximately \$5,200).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for limited freedom of speech and press. However, in practice authorities did not respect these rights during the year. Journalists and writers exercised self-censorship.

Freedom of Speech: The law prohibits criticism of the sultan in any form or medium; “material that leads to public discord, violates the security of the state, or abuses a person’s dignity or his rights”; “messages of any form that violate public order and morals or are harmful to a person’s safety”; and “defamation of character.” Therefore, it is illegal to insult any public official, and individuals sometimes were prosecuted for doing so. Thirty-two individuals received prison sentences for directly or indirectly criticizing the sultan in online fora and at peaceful protests. For example, on July 16, the Muscat Court of First Instance convicted six individuals of “defaming the sultan.” The court sentenced each to one year in prison and a 1,000 rial (\$2,600) fine. Three of these individuals, Mona Hardan, Talib al-Abry, and Mohammed al-Badi, received an additional six-month sentence for violating the cyber crimes law. According to reports, the convictions were the result of Facebook postings and Twitter comments deemed critical of the sultan. On July 9, the Muscat Court of First Instance convicted four other individuals with “defaming the sultan.” These individuals were reportedly convicted for carrying signs critical of the sultan at demonstrations.

Freedom of Press: The media generally does not operate freely. Authorities tolerated limited criticism regarding domestic and foreign affairs in privately owned newspapers and magazines, although editorials generally were consistent with the government’s views. The government and privately owned radio and television stations did not generally broadcast political material. There was no permanent international media presence in the country.

Violence and Harassment: There were isolated instances where authorities harassed journalists during the year. On January 15, GulfNews.com reported that authorities detained and questioned two Indian journalists with the *Muscat Daily* who were trying to interview and photograph striking workers. According to reports, the striking workers mobbed the journalists to get their grievances published. After management representatives asked the journalists to leave, plainclothes police officers detained them outside of the work camp and brought them to the Seeb Police Station. The journalists reported that authorities interrogated them extensively before releasing them without charge.

Censorship or Content Restrictions: Headlines in both public and private media print outlets were subject to an official, nontransparent review and approval

process before publication. Journalists and writers exercised self-censorship. For example, one media outlet chose not to report that the government was likely inflating the voter turnout figures during the year's municipal council elections, for fear of contradicting the Ministry of Interior's official announcement.

Libel Laws/National Security: The government used libel laws and national security concerns as grounds to suppress criticism of government figures and politically objectionable views. Libel was a criminal offense, and the government strictly enforced laws with heavy fines and prison sentences. The government also prohibited publication of any material that "violated the security of the state." On one occasion government-owned newspapers published photographs and biographic data of individuals convicted of insulting the sultan, contrary to normal practice where convicts' faces are obscured in newspaper articles. The newspapers apologized after public outcry but later republished the pictures.

In 2011 a court sentenced *Azzaman* journalist Ibrahim al-Ma'mari, editor in chief Yusuf al-Haj, and Ministry of Justice employee Haroon al-Muqaibli to five months in prison for crimes relating to accusations against the minister of justice published in the *Azzaman* newspaper. Al-Muqaibli won the case on appeal. The case was resolved with a one-month temporary closure of the paper and a full-page apology printed in the paper when it reopened.

On February 7, security services detained activist Muawiya al-Rawahy after he published a blog entry criticizing the overall situation in the country and expressing a lack of confidence in the reign of Sultan Qaboos. The blog entry was deleted following his initial detention, and courts sentenced al-Rawahy to one year in prison and a fine of 200 rials (\$520).

Publishing Restrictions: The law permits the Ministry of Information to review all media products and books produced within or imported into the country. The ministry occasionally prohibited or censored material from domestic and imported publications viewed as politically, culturally, or sexually offensive. Some books were not permitted in the country. There were no major publishing houses in the country, and publication of books remained limited.

Internet Freedom

The law restricts free speech via the Internet, and the government enforced the restrictions. The government's national telecommunications company and private service providers made Internet access available for a fee to citizens and foreign

residents. Internet access was available via schools, workplaces, wide area networks at coffee shops, and other venues, especially in urban areas.

Authorities monitored the activities of telecommunications service providers and obliged them to block access to numerous Web sites considered pornographic, culturally or politically sensitive, or competitive with local telecommunications services. The criteria for blocking access to Internet sites were not transparent or consistent. Web blogs were sometimes blocked. All video-chat technologies, such as Skype, are illegal. Authorities also blocked some Web sites used to circumvent censorship, such as virtual private networks.

The law details crimes that take place on the Internet, which “might prejudice public order or religious values” and specifies a penalty of between one month and a year in prison and fines of not less than 1,000 rials (approximately \$2,600). Authorities have also applied the law against bloggers and social media users who break lese-majeste laws.

Authorities charged and convicted at least eight activists under the Cyber Crime law. These individuals, including Ali al-Haji and Nabhan al-Hanashi, received prison sentences of six months (18 months when combined with charges of slandering the sultan) and fines of 1,000 riyals (\$2,600.)

The government placed warnings on Web sites informing users that criticism of the sultan or personal criticism of government officials would be censored and could lead to police questioning, effectively increasing self-censorship. The public prosecutor’s office sent out text messages reminding persons of defamation laws.

Web site administrators or moderators were cautious concerning content and were reportedly quick to delete potentially offensive material in chat rooms, on social networking fora, and on blog postings.

Academic Freedom and Cultural Events

The government limited academic freedom, particularly the publication or discussion of controversial matters such as domestic politics, through the threat of dismissal. Academics largely practiced self-censorship. On August 8, press reported that authorities banned an Indian film that contained sexually explicit dialogue.

The government censored publicly shown films, primarily for sexual content and nudity.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for limited freedom of assembly and the government restricted this right in practice. Government approval was necessary for all public gatherings with over nine persons present, although there was no clear process for obtaining approval for public demonstrations. Authorities enforced this requirement sporadically. Individuals who were detained for participating in illegal gatherings and unauthorized protests occasionally reported that arresting officers insulted them.

In April 2011 a protest in Sohar resulted in the death of one man at the hands of security forces. Five hundred protesters were assembled to protest for economic and government reforms. Ultimately, 23 persons were convicted of violent behavior and illegal weapons possession and received prison terms ranging from a few months to five years (see section 1.a.).

On April 5, reports indicated that Jordanian authorities told Ammar al-Ma'amari, an Omani student studying law in Jordan, to prepare for deportation to Oman. Al-Ma'amari's blog reportedly came to the attention of Omani authorities due to posts covering the security services during the suppression of protests in 2011 and published medical reports for Abdullah Ghamlasi, the protester killed in February 2011. At year's end al-Ma'amari had not been deported. On June 11, in a separate case, police detained 30 protesters for an illegal protest outside the office of the Public Prosecution in support of those arrested on lese-majeste charges. The detained protesters were initially held at Sumail Central Prison and formally charged with inciting or taking part in protests. One of the protesters, Saeed al-Hashmi, reportedly went on a hunger strike to protest the group's detention. He was admitted to Sumail Hospital on June 14 after he reportedly lost consciousness. He later recovered. Reports indicated some of the female protesters started to refuse water to protest their detention but then were formally charged and released. Their health was reportedly not in danger. Twelve were eventually charged and convicted of illegal assembly; they were sentenced to one year in prison and a 1,000 rial fine (approximately \$2,600).

Freedom of Association

The law provides for freedom of association “for legitimate objectives and in a proper manner.” The law does not clearly define “legitimate objective.” Examples of associations include labor unions. The council of ministers limited freedom of association in practice by prohibiting associations whose activities were deemed “inimical to the social order” or otherwise not appropriate, and did not license groups regarded as a threat to the predominant social and political views or the interests of the country. Associations also must register with the Ministry of Social Development, which approves all associations’ bylaws. The average time required to register an association ranged from two months to two years. Approval time varied based on the level of preparedness of the applying organization and the subject matter of the organization, as well its leadership. It was often longer when a group required significant help from the ministry to formalize its structure. Formal registration of nationality-based associations was limited to one association for each nationality.

No association may receive funding from an international group without government approval. Individuals convicted of doing so for an association may receive up to six months in jail and a fine of 500 rials (approximately \$1,300). Heads of domestic NGOs reported that the government periodically asked to review their financial records to confirm sources of funding and required NGOs to inform the government of any meetings with foreign organizations or diplomatic missions.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country and repatriation, and the government generally respected these rights in practice. The law does not specifically provide for foreign travel or emigration. The Office of the UN High Commissioner for Refugees (UNHCR) did not visit the country during the year, and it did not maintain an office or personnel in the country. Some humanitarian organizations were restricted in their ability to provide refugees with assistance. Specifically, authorities prohibited UNICEF from fulfilling the UNHCR’s role in

its absence, although the government allowed other entities, such as the Oman Charitable Organization, to assist refugees.

In-country Movement: There were no official government restrictions on internal travel for any citizen. However, the government must approve travel by foreign diplomats to Dhofar and Musandam regions. Foreigners could not change jobs without obtaining sponsorship from the new employer.

Foreign Travel: Foreigners must obtain an exit visa from their employer prior to leaving the country. Exit visas may be denied when there is a dispute over payment or work remaining, leaving the foreign citizen in country without recourse besides local courts.

Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The ROP is responsible for determining refugee status but did not grant asylum or accept refugees for resettlement during the year. The ROP's system for granting refugee status is not transparent, and the law does not specify a time frame in which the ROP must adjudicate an asylum application.

Refoulement: In practice the government did not provide protection against the return of refugees to countries where their lives or freedom would be threatened. Tight control over the entry of foreigners effectively limited access to protection for refugees and asylum seekers. Authorities apprehended and deported hundreds of presumed economic migrants from Somalia, Yemen, Ethiopia, and Eritrea who sought to enter the country illegally by land and sea in the south, and Afghans and Pakistanis who generally came to the country by boat via Iran. Authorities generally detained these persons in centers in Salalah or the northern port city of Sohar, where they were detained an average of one month before deportation to their countries of origin.

Access to Basic Services: Without an official sponsor, it is difficult for economic migrants to have access to basic services. Many applied to their embassies for repatriation.

Temporary Protection: Embassies and ethnic or language community welfare groups provided temporary protections. The government did not provide temporary protection to individuals who qualify as refugees.

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

The law does not provide citizens with the right to change their government. The sultan retains ultimate authority on all foreign and domestic issues. With the exception of the military and other security forces, all citizens 21 years old and older have the right to vote for candidates for the Consultative Council and the provincial councils. In 2011 the sultan issued a royal decree granting limited legislative authority to the Consultative Council, which can either approve or suggest amendments to new laws. On December 22, citizens elected municipal councils to advise the Royal Court on the service needs of their communities.

Elections and Political Participation

Recent Elections: On December 22, approximately 546,000 citizens participated in elections for provincial councils. Of the more than 1,600 candidates running for 192 seats, 48 were women. In October 2011 approximately 60 percent of 518,000 registered voters participated in elections for the Consultative Council. Electoral commissions review potential candidates against a set of objective educational and character criteria (high school education, no criminal history, or mental illness) before allowing candidates' names on the ballot. The Ministry of Interior closely monitored campaign materials and events in its role as the ministry in charge of elections. There were no notable or widespread allegations of fraud or improper government interference in the voting process. The government did not allow independent monitoring of the elections.

Political Parties: The law does not allow political parties, and citizens did not attempt to form any.

Participation of Women and Minorities: Women were largely excluded from senior decision-making positions and were prevented from participating equally in political life due to conservative social constraints. During the December 22 elections, voters elected four women as representatives on provincial councils. Forty-eight women ran among an estimated 1,600 candidates for 192 representative spots across 11 provincial councils. The government has taken steps to address this situation; the sultan appointed 15 women to the 93-member State Council and two women, the ministers of education and of higher education, to the 29-member Council of Ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year, including in the police and other security organizations. Public officials are subject to financial disclosure laws. When selected for disclosure, officials are required to list their finances, business interests, and property, as well as that of their spouses and children. While these records will be made public, there are no sanctions for noncompliance.

On August 17, a court convicted a high-ranking member of the ROP of accepting bribes and misappropriating public funds. The court sentenced him to three years in prison and ordered him to pay a fine of more than 90,000 rials (approximately \$234,000). The media published his name and photograph in the local press. In September 2011 a court convicted and sentenced two mid-level officials at the Ministry of Environment and Climate Affairs to prison for their role in the “stone-crushing” case. In October 2011 the undersecretary for justice was replaced following reports of misuse of power.

The law does not provide for public access to government information, although all royal decrees and ministerial decisions were published.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No registered or fully autonomous domestic human rights organizations existed. There were civil society groups that advocated for persons protected under human rights conventions, particularly women and the disabled. These groups were required to register with the Ministry of Social Development.

The government did not support international or domestic human rights organizations operating in the country.

UN and Other International Bodies: The government allowed some international organizations to work in the country without interference on a nonresident basis, including the World Health Organization, and the International Labor Organization. The UNICEF and the UN Population Fund both have resident offices in the country.

Government Human Rights Bodies: The NHRC, a government-funded commission made up of members from the public, private, and academic sectors, reported on human rights to the sultan via the State Council. During the year the commission issued its first human rights report, which it submitted to the UN Human Rights Council, and is available publically on their Web site. It continued investigating 169 human rights complaints it had received during the year. The NHRC also conducted prison visits and continued a community and school outreach program to discuss human rights with students.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination against citizens on the basis of gender, ethnic origin, race, language, religion, place of residence, and social class. The government selectively enforced prohibitions on most bases of discrimination, but did not do so for discrimination against women.

Women

Rape and Domestic Violence: The law criminalizes rape with penalties of up to 15 years in prison, but does not criminalize spousal rape. The government generally enforced the law when individuals reported cases, but reports indicated that many victims did not report rape due to cultural and societal factors. As a result there was no reliable estimate of the extent of the problem. In 2010, the most recent year for which statistics are available, the police charged 227 individuals with rape or attempted rape. Foreign nationals working as domestic employees occasionally reported that their sponsors or employees of labor recruitment agencies had raped them. According to diplomatic observers, police investigations resulted in few rape convictions, and sponsors repatriated most of the women who made the allegations.

The law does not specifically address domestic violence. Assault, battery, and aggravated assault carry a maximum sentence of three years in prison. Allegations of spousal abuse in civil courts handling family law cases reportedly were common. Victims of domestic violence may file a complaint with police. Due to societal customs, women often sought private family intervention to protect them from violent domestic situations.

Harmful Traditional Practices: There were no reports of honor killings; however, a number of women were reportedly subject to mistreatment due to behavior deemed “inappropriate.”

Female Genital Mutilation/Cutting (FGM/C): Although the government prohibits female genital mutilation/cutting (FGM/C) in public hospitals and clinics, there is no law prohibiting private practitioners from performing the procedure. According to press reports, a 2010 Ministry of Health study on FGM/C found that men and women across all ages broadly accepted the practice, especially in rural areas, where it was reported to be a common occurrence. The World Health Organization lists Oman as a country of occurrence but it does not have statistics.

Sexual Harassment: The law does not specifically prohibit sexual harassment.

Reproductive Rights: The government recognized the basic right of married couples to decide freely and responsibly the number, spacing, and timing of their children. Health clinics operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no legal restrictions on the right to access contraceptives for nonmarried individuals permitting unmarried persons to acquire birth control easily. The government provided free childbirth services to citizens within the framework of universal health care. Prenatal and postnatal care was readily available and used. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV/AIDS; however, social taboos prevented individuals from seeking treatment.

Discrimination: The law prohibits gender-based discrimination against citizens. However, economic studies conducted by the World Economic Forum showed that women earned 75 percent less than men and that their unemployment rate was at least twice as high. Aspects of Islamic law and tradition as interpreted in the country discriminated against women, as did some social and legal institutions. In some personal status cases, such as divorce, a women's testimony is equal to half of a man's. The law favors male heirs in adjudicating inheritance. Women married to noncitizens may not transmit citizenship to their children and cannot sponsor their noncitizen husband's presence in the country.

The law provides citizenship at birth if the father is a citizen, if the mother is a citizen and the father is unknown, or if a child of unknown parents is found in the country. The law provides that an adult may become a citizen by applying for citizenship and subsequently residing legally in the country for 20 years or 10 years if married to a male citizen. During that time an applicant cannot reside more than one month of each year outside the country. A person seeking naturalization is expected first to give up any previous citizenship.

Women were not allowed to transmit citizenship to their spouses or children. Observers reported a few isolated cases of children without documentation as the result of a marriage between an Omani woman and a non-Omani man. These children were not eligible for citizenship.

Women may own property, but it is unknown what percentage of women actually own property. The law equalizes the treatment of men and women in receiving free government land for housing. Women may, and do, own land.

Government policy provided women with equal opportunities for education, and this policy effectively eliminated the previous gender gap in education attainment. Although some educated women held positions of authority in government, business, and the media, many women faced job discrimination based on cultural norms. The law entitles women to gender-related protections in the workplace such as the right to paid maternity leave and equal pay for equal work. The government, the largest employer of women, observed such regulations, as did many private sector employers. According to the World Economic Forum, only 27 percent of women participated in the work force.

The Ministry of Social Development is the umbrella ministry for women's affairs. The ministry provided support for women's economic development through the Oman Women's Associations and local community development centers. The government also formed a committee to monitor the country's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women.

Children

Birth Registration: Citizenship is derived from the father. Women married to noncitizens may not transmit citizenship to their children, and there were a few reported cases of stateless children based on this law. The government announced that children of unknown parents would be eligible for citizenship in 2011. Abandoned children were raised by government employees in an orphanage, given free education through the university level, and guaranteed a job following graduation, which is followed through in practice. Citizen marriage to a foreigner abroad without ministry approval may preclude children from claiming citizenship rights (see section 1.f.).

Education: Primary school education for citizen children was free and universal, but not compulsory.

Medical Care: Authorities provide free medical care to citizens.

Child Abuse: According to a domestic media report citing the Ministry of Health, approximately 20 cases of sexual abuse against children are recorded a year. The report also noted that sexual abuse most commonly involved children of both sexes between the age of six to 12 years old and was committed by close relatives or friends of the family. There was a heavy social stigma with reporting child abuse.

Child Marriage: The age of legal marriage for men and women is 18 years old, although a judge may permit a person to marry younger when the marriage is in the person's interest. According to the Organization for Economic Cooperation and Development, child marriage continues to be practiced in the country, especially in rural areas, where as many as 4 percent of girls between the ages of 15 and 19 were married.

Harmful Traditional Practices: Although the government prohibits female genital mutilation/cutting (FGM/C) in public hospitals and clinics, there is no law prohibiting private practitioners from performing the procedure. According to press reports, a 2010 Ministry of Health study on FGM/C found that men and women across all ages broadly accepted the practice, especially in rural areas, where it was reported to be a common occurrence. In the southern Dhofar region, FGM/C is performed on newborns and involves a partial or total clitoridectomy (Type I as defined by the World Health Organization). Throughout the rest of the country, FGM/C usually consists of a minor cut made on the clitoris (Type IV). According to a newspaper report, the practice was usually carried out by persons with no medical training and in unhygienic conditions.

Sexual Exploitation of Children: Commercial sexual exploitation of children and child pornography are punishable by no less than five years' imprisonment. All sex outside of marriage was illegal, but sex with a minor under 15 years old carried a heavier penalty (up to 15 years' imprisonment). Minors are not charged. The country is not a destination for child sex tourism, and child prostitution is rare.

Institutionalized Children: Children in orphanages are generally children born out of wedlock and abandoned in hospitals at birth. While these children face social challenges, they are given free secondary education and jobs from the government.

International Child Abductions: Oman is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no local Jewish population, and there were no reports of anti-Semitic acts or public statements by community or national leaders vilifying Jews.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law provides persons with disabilities, including physical, sensory, intellectual, and mental disabilities, the same rights as other citizens in employment, education, access to health care, and the provision of other state services. However, persons with disabilities continued to face discrimination. The law mandates access to buildings for persons with disabilities, but many older buildings, including government buildings and schools, do not conform to the law. The law also requires private enterprises employing more than 50 persons to reserve at least 2 percent of positions for persons with disabilities. In practice this regulation was not widely enforced.

There is no protective legislation to provide for equal educational opportunities for persons with disabilities.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities. The government provided alternative education opportunities for more than 500 children with disabilities, including overseas schooling when appropriate; this was largely due to lack of capacity within the country. Additionally, the Ministry of Education partnered with the International Council for Educational Reform and Development to create a curriculum for students with mental disabilities within the standard school system, which was in place throughout the year. Persons with disabilities are not restricted from voting or participating in civic affairs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination under the law and in practice. Social norms reinforced discrimination against LGBT persons. The penal code criminalizes consensual same-sex sexual conduct with a jail term of six months to three years. There were no reports of prosecutions during the year, although nine prosecutions for sodomy occurred in 2009, the most recent year for which statistics are available.

The discussion of sexual orientation and gender identity in any context remained a social taboo, and authorities took steps to block LGBT-related Internet content. It is likely that social stigma and intimidation prevented LGBT persons from reporting incidents of violence or abuse.

Due to social conventions and potential persecution, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination.

Other Societal Violence or Discrimination

There were no reports of societal violence against persons with HIV/AIDS. Foreigners seeking residence in the country are tested for HIV/AIDS; they are denied a visa if they are HIV positive.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join unions, as well as the right to conduct legal strikes and bargain collectively, with significant restrictions. The law provides for one general federation, to which all unions must affiliate, to represent unions in regional and international fora. Workers have the right to strike, but the law imposes significant restrictions. The law requires an absolute majority of an enterprise's employees to approve a strike, and notice must be given to employers three weeks in advance of the intended strike date. The law allows for collective bargaining; regulations require employers to engage in collective bargaining on the terms and conditions of employment, including wages and hours of work. Where there is no trade union, collective bargaining may take place

between the employer and five representatives selected by workers. The employer may not reject any of the representatives selected. While negotiation is ongoing, the employer may not act on decisions related to issues under discussion. The law prohibits employers from firing or imposing penalties on employees for union activity, although it does not require reinstatement for workers fired for union activity. The law prohibits employers from firing or imposing penalties on employees for union activity.

Unions are open to all legal workers regardless of nationality. The law prohibits members of the armed forces, other public security institutions, government employees, and domestic workers from forming or joining unions.

The law prohibits unions from accepting grants or financial assistance from any source without the ministry's prior approval. By law unions must notify the government at least one month in advance of union meetings.

The government generally effectively enforced applicable laws. The government did not enforce the requirements for advance notice of strikes and union meetings. The government provided an alternative dispute resolution mechanism through the Ministry of Manpower, which acted as mediator between the employer and employee for minor disputes such as disagreement over wages. If not resolved to the employee's satisfaction, the employee could, and often did, resort to the courts for relief. The country lacked dedicated labor courts, and observers noted the mandatory grievance procedures were confusing to many workers, especially foreign workers.

Freedom of association in union matters and the right to collective bargaining were respected in practice. Labor unions exercised increasing independence from government, although the government paid the salaries and office expenses of federation leadership.

Strikes occurred frequently and were generally resolved quickly, sometimes through government mediation.

For example, the Ministry of Manpower and the Majlis al-Shura intervened to mediate in May when oil workers at Petroleum Development Oman and Oxy Oman went on strike.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, and the government took steps to prevent or eliminate forced labor during the year. All police underwent training in how to identify victims of trafficking in persons to help them identify cases of forced or compulsory labor.

Conditions indicative of forced labor occurred in practice. Under the law all foreign workers must be sponsored by a citizen employer or accredited diplomatic mission. Some men and women from South and Southeast Asia, employed in the country as domestic workers or low-skilled workers in the construction, agriculture, and service sectors, faced working conditions indicative of forced labor, including withholding of passports, restrictions on movement, nonpayment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Sponsorship requirements left workers vulnerable to exploitative conditions, as it was difficult for an employee to change sponsors. For example, some employers of domestic workers, contrary to law, withheld passports and other documents, complicating workers' release from unfavorable contracts and preventing workers' departure after their work contracts. In some cases, employers demanded exorbitant release fees totaling as much as 600 rials (approximately \$1,560) before allowing workers to change employers.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, or 18 for certain hazardous occupations. Children between the ages of 15 and 18 may only work between the hours of 6 a.m. and 6 p.m. and are prohibited from working for more than six hours per day, on weekends, or on holidays. No specific penalties are proscribed in the law for the unlawful employment of juveniles.

The Ministry of Manpower and ROP were responsible for enforcing laws with respect to child labor, and generally effectively enforced such laws in the private sector; however, enforcement often did not extend to informal and small family businesses that employed underage children, particularly in the agricultural and fishing sectors. In general minor violations resulted in warnings, and employers were given time to correct practices; however, significant violations could result in immediate arrests.

Child labor rarely occurred in practice, it was mostly in the informal economy and agricultural and fishing sectors. There were no reports of child labor during the year.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum wage for citizens was 200 rials (approximately \$520) per month. Minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses employing fewer than five persons, dependent family members working for a family firm, or some categories of manual laborers. The minimum wage did not apply to noncitizens.

The private sector workweek was 45 hours and included a two-day rest period following five consecutive days of work. Government workers had a 35-hour workweek. The law mandates overtime pay for hours in excess of 45 per week.

The government set occupational health and safety standards. The law states an employee may leave dangerous work conditions without jeopardy to continued employment if the employer was aware of the danger and did not implement corrective measures. Employees covered under the labor law may receive compensation for job-related injury or illness through employer-provided medical insurance.

Neither wage and hour nor occupational safety and health regulations applied to domestic workers.

The Ministry of Labor was responsible for enforcing labor laws, and employed approximately 160 inspectors. It generally enforced the law effectively with respect to citizens; however, it did not effectively enforce regulations regarding hours of employment and working conditions for foreign workers.

Labor inspectors performed random checks of worksites to ensure compliance with all labor laws and had arrest authority for the most egregious violations. Approximately 180 inspectors from the Department of Health and Safety of the Labor Care Directorate generally enforced the health and safety codes and made regular on-site inspections to private sector worksites as required by law.

The ministry effectively enforced the minimum wage for citizens. In wage cases the Ministry of Manpower processed complaints and acted as mediator. In a majority of cases, the plaintiff prevailed, gaining compensation, the opportunity to seek alternative employment, or return to their country of origin in the case of foreign laborers, although they rarely used the courts to seek redress. The ministry was generally effective in cases regarding minor labor disputes; however, it did not refer any egregious violations to the courts during the year.

The government made little effort during the year to prevent violations or improve wages and working conditions, which disproportionately affected foreign workers.

Foreign workers were vulnerable to poor, dangerous, or exploitative working conditions. There were reports that migrant laborers in some firms and households worked more than 12 hours a day for below-market wages. Employers often cancelled the employment contracts of seriously sick or injured foreign workers, forcing them to return to their countries of origin or remain in the country illegally.

There are no maximum workhour limits for domestic workers, nor any mandatory rest periods, although the contract between the employer and worker can specify such requirements. Separate domestic employment regulations obligate the employer to provide domestic workers with free local medical treatment throughout the contract period. However, penalties for noncompliance with health regulations are small, ranging from approximately 10 to 100 rials (approximately \$26 to \$260), multiplying per occurrence per worker and doubled upon recurrence. Some domestic workers were subject to abusive conditions. For example, on November 6, the *Times of Oman* reported on a Sri Lankan house cleaner who allegedly suffered hearing loss as a result of physical abuse by her employer.

There was little data available on workplace fatalities or safety.