



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1769th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 August 2006, at 10 a.m.

Chairperson: Mr. de GOUTTES

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Initial periodic report of Oman (CERD/C/OMN/1) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Oman resumed their places at the Committee table.
2. Mr. AL-HADRAMI (Oman) thanked the Country Rapporteur and other members for their questions and comments.
3. Many ethnic and racial groups were represented in Oman. Many of them had originally been subjects of the vast Omani empire of earlier centuries. However, they were not classified separately: they were all integrated into society and simply considered to be Omanis. The private and intellectual property of both Omanis and non-Omanis was protected by law.
4. The Omani people were friendly and treated foreigners with respect and tolerance. Foreign workers, who made up 23.9 per cent of the population, completed their short-term contracts and then returned to their own countries. They had the same rights as other workers, which were guaranteed by the Labour Law and Civil Service Code. They enjoyed equal pay and working conditions, health care and other benefits. The rights of all workers were protected by the courts, including the Court of Administrative Justice. Workers could appeal against adverse decisions and, if successful, were awarded compensation. He would leave a CD-ROM containing statistics relating to immigrant workers with the Secretariat, for members to consult if they wished. Members of the Committee would be very welcome to visit Oman and see the situation for themselves.
5. Population statistics in Oman were not classified by racial or ethnic group - indeed, the very idea would seem strange to an ordinary Omani. They were, however, classified by nationality (i.e. Omani or non-Omani), which was consistent with national law and international instruments.
6. Members had asked about membership of the Shura Council (parliament). Unsuccessful candidates might attribute their defeat to racial prejudice but in fact every Omani above a certain age had the right to participate in direct elections to the Shura Council and to stand as a candidate. The proportion of female members was 2.3 per cent.
7. Oman was situated in an arid region. Rain was the chief source of drinking water. The Government did its best to use the available water resources wisely and had installed desalination and purification plants to increase the supply, although desalination was a difficult and expensive process. Wastewater was transported to purification plants for reclamation. Oman was a relatively large country: some areas were still not adequately served by the existing water distribution network, and people had to obtain their water from tankers, sometimes for a small charge. Water was also obtained from oases or by drilling wells, which required a special permit in order to ensure the equitable distribution of existing supplies. Measures were in hand to guarantee water supplies in the long term.

8. Oman had not yet acceded to the Arab Charter on Human Rights, but that did not mean that it did not respect the principles the Charter enshrined. Accession was a long process, requiring acceptance of all the provisions of the instrument in question and changes to domestic legislation. Oman was fully committed to working with the other States of the region to ensure equality for all and prevent discrimination.

9. There was currently no definition of discrimination in Omani law, which was also the case in many other countries. The courts were considering adopting the definition of racial discrimination laid down in the Convention. However, the Basic Law (Constitution) listed a number of other possible grounds for discrimination, including religion and social status, and there was an ample body of case law to provide guidance. There had been no convictions in discrimination cases as yet. Anyone was free to bring an allegation of discrimination before the courts, and appropriate penalties were available.

10. Women were completely equal to men in Oman. The Sultan himself had stressed the importance of women's education. Four ministers were women, including those responsible for higher education and tourism, as well as several ambassadors. The equality of women and men was upheld by the civil courts and the Court of Administrative Justice. Women's rights were further protected by the laws on social security and social insurance. Pursuant to the Code of Personal Status, a woman was entitled to keep her maiden name, manage her own property, inherit property from others, visit her own family freely and seek a divorce if she had reasonable grounds.

11. The Civil Service Code allowed women civil servants up to one year of leave to take care of their children; they were also entitled to 50 days' paid maternity leave and paid study leave abroad. Wives of deceased civil servants continued to receive their husbands' salaries for four months after their death. Given women's important social role as mothers, their working conditions were also regulated with a view to protecting their health. Female civil servants had specific hours of work and the Labour Law guaranteed rights such as maternity leave, insurance coverage and retirement at age 55. Complaints of violations of any of those rights were investigated by the Ministry of Manpower.

12. Women had the right to receive old age and disability pensions. They were also entitled to own property and seek employment, to be issued a passport and identity documents and to organize or join civil society associations. Women who were foreign nationals had the right to acquire Omani citizenship and enjoyed the same rights as Omani women in the areas of health and education. He recalled that Oman was a State party to the Convention on the Elimination of All Forms of Discrimination against Women.

13. Human rights training and awareness programmes were offered on an ongoing basis in ministries such as Education, Social Development and Justice, so as to ensure that all civil servants, including police and judicial officials, were familiar with the provisions of the Convention. Human rights training programmes were also organized in schools beginning at an early age in order to foster a culture of tolerance, non-discrimination and harmonious coexistence. Both children and teachers were taught the provisions of the Convention.

14. Article 134 of the Penal Code prohibited organizations that promoted racial discrimination and organizers of such organizations could be sentenced to between 3 and 10 years' imprisonment. The law guaranteed equal rights for all residents of Oman as well as the right to seek redress for any violation before the courts; article 58 of the Penal Code gave the courts the right to award compensation in any amount they judged appropriate.

15. There were no political parties per se; citizens of the eight regions elected their representatives to the Shura Council in free elections which were subject to judicial oversight. Pursuant to the Omani Nationality Law, naturalized citizens had the same rights as native-born citizens. With regard to religion, although every resident was expected to respect the traditions of the country, freedom of religion and worship without discrimination was guaranteed and monitored by the Ministry of Religious Affairs. The Penal Code used neutral language not identifiable with a particular religion in its provisions relating to freedom of religion and worship. Article 209 of the Code criminalized the profaning of or blasphemy against any religion and article 211 imposed a punishment of three to six months' imprisonment on anyone who performed a marriage without being a duly authorized representative of a religion. However, the married couple involved could appeal for their marriage to be recognized by the civil courts.

16. Although civil society organizations were permitted under the law, there were only a few such organizations: a women's association, a group for the handicapped and an engineers' group. Only the women's association had participated in the preparation of the report. He stressed that it would be perfectly legal to establish other associations, including human rights associations, which might wish to help the victims of human rights violations, for example by seeking redress before the courts.

17. Foreign contract workers did not have the right to vote or be candidates in elections. Their rights in general were nevertheless protected by the courts. The most recent version of the Labour Law guaranteed workers the right to form unions and associations and ensured them appropriate working conditions. Employers who failed to provide adequate working conditions could be punished by 1 to 10 days' imprisonment, with the severity of the punishment increasing according to the number of offences. Labour disputes involving issues such as wages, arbitrary dismissal and other rights of both foreign nationals and citizens could be settled by arbitration or by the courts. Generally speaking labour disputes were heard within two weeks by the courts, except for the most complicated cases.

18. A child automatically acquired the citizenship of his or her father. If the nationality of the parents of a child born in Oman was not known, the child acquired Omani citizenship, as did a child whose father's nationality was not known but whose mother was an Omani citizen or a child whose father had been but was no longer an Omani citizen. He reiterated that his Government was considering ratification of the Convention relating to the Status of Refugees.

19. With regard to the issue of children from Southwest Asia being used as jockeys for camel-racing, he stressed that camel-racing was a very popular sport practised from an early age in Oman. In response to international concerns, by decision of the Council of Ministers taken in 2005, currently the minimum age for a jockey was 18, in order to avoid abuses, and all

jockeys must be Omani citizens. He pointed out that Oman was a signatory to International Labour Organization (ILO) Conventions 29 concerning Forced or Compulsory Labour, 105 concerning the Abolition of Forced Labour, 138 concerning Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

20. Mr. SHAHI took note of the assertion by the State party in its report (para. 64) that there was no discrimination in Oman and therefore no need for anti-discrimination legislation but said that even if that were the case, given the multi-ethnic nature of Omani society and the large numbers of foreign workers, appropriate legislation should be enacted as a safeguard in case of need in the future. Furthermore, even though there was no immediate need for special measures pursuant to article 4 of the Convention, there might be in the future. He likewise urged the State party to promote the establishment of an independent human rights institution, based on the Paris Principles, as a precautionary measure.

21. Mr. AMIR commended the quality of the country report, which in his view was of great importance in highlighting to the Committee how compliance with the Convention could be adapted to that region.

22. Mr. LINDGREN ALVES asked whether he had understood correctly that naturalized Omanis had the same voting rights as other citizens, and that the idea of revealed religions was obsolete. He wondered whether the Government would agree that the affirmation in the Basic Law that foreigners should have regard for society's values and respect its traditions and customs should apply to other societies as well.

23. Mr. KJAERUM asked whether the possibility of establishing a national human rights institution based on the Paris Principles had been considered. He wondered whether he had understood correctly that children born to a foreign father were not entitled to Omani citizenship.

24. Mr. AL-HADRAMI (Oman) thanked the Committee members for their comments, which suggested that the Government was on the right path to ensuring a life free of discrimination between citizens of Oman and with respect to non-citizens. It was important for the State to continue its progress in that regard, in accordance with the international treaties and conventions it had ratified. His Majesty had issued instructions not to use the term "minority", as all persons in Oman were considered equal.

25. It appeared that there had been some confusion regarding the criminalization of discrimination. The report stated that there were no recorded crimes or offences related to discrimination, but that did not imply that no preventive measures were adopted, and the Criminal Code did criminalize discrimination.

26. Although the State might not currently be a party to certain conventions, that did not mean it had no intention of acceding to those instruments in the future. The Government was undertaking efforts to consolidate its economic, political and social infrastructure and to further promote social rights. The delegation would welcome any recommendations by the Committee regarding programmes that could benefit the country in that respect.

27. He confirmed that naturalized Omanis had the same right to vote and to stand for election as other citizens. A child born to a non-Omani man and an Omani woman did not automatically acquire Omani citizenship, but took the father's nationality. The Government was reconsidering the question in order to adopt a system that was in the best interests of the country. The Government based its law on the principles enshrined in the Constitution, but international conventions were naturally respected and superseded national law.

28. Mr. AVTONOMOV said that Oman did seem to be making every possible effort to comply with the Convention. On the question of refugees, although Oman had not yet ratified the Convention relating to the Status of Refugees or the Protocol relating to the Status of Refugees, since it appeared that the practice in that regard was in compliance with those instruments and that there were no problems in that area, he had not raised the issue as a concern.

29. He had noted the Government's position that it was not acceptable to make distinctions on a racial basis, but pointed out that the concept of race had changed over time, and the Convention had a broad definition of racial discrimination on different grounds, including descent. There were groups which for traditional or historical reasons might be over- or underrepresented in public life. He noted that the Government had taken every possible measure to ensure that women participated fully in political life. But while it was easy to assess how many women were in the parliament, for example, it might be difficult to distinguish other minorities who were also Arabs. The delegation should consider how best to deal with issues which did not currently appear problematic but which might require Government action in the future. He hoped that a number of questions to which there had been no response would be addressed in the country's next report.

30. The CHAIRPERSON thanked the delegation for its efforts in responding to the Committee's questions and welcomed the frankness of the dialogue.

31. The delegation of Oman withdrew.

The meeting was suspended at 12.00 and resumed at 12.10 p.m.

DIALOGUE WITH THE INDEPENDENT EXPERT ON MINORITY ISSUES

32. The CHAIRPERSON said that the question of minority rights was a major ongoing concern for the Committee, which to date had remained cautious in that area because of the wide range of approaches expressed within the Committee. Nonetheless, there were elements of the Committee's doctrine on the question of minority rights in certain general recommendations, particularly numbers 21 on the right to self-determination, 23 on the rights of indigenous peoples, 27 on discrimination against Roma, 29 on descent-based discrimination and 30 on discrimination against non-citizens.

33. Ms. McDOUGALL (Independent Expert on Minority Issues) said that her mandate explicitly called on her to cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms. In her initial report to the Human Rights Council, she had expressed her desire to work closely with the United Nations treaty bodies, particularly the Committee on the Elimination of Racial Discrimination.

34. A number of the Committee's general recommendations were of particular relevance to minorities and had informed her work. For example, on a recent country visit to Hungary she had referred to the general recommendation on the Roma in her consideration of the country situation. In addition, in many of its concluding observations, the Committee mentioned minorities specifically and made valuable recommendations with respect to them. It also routinely noted the lack of data on the ethnic composition of States, an issue which she also considered very important.

35. In carrying out her mandate, she was guided by a framework covering minority rights based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. The broad areas of concern were: protecting minorities' existence, including through the protection of their physical integrity and the prevention of genocide; protecting and promoting cultural and social identity and the right of national, ethnic, religious or linguistic groups to affirm and protect their collective identity and to reject forced assimilation; ensuring effective measures of non-discrimination and affirmatively establishing a regime of equality; and ensuring effective participation of members of minorities in public life. She had also placed emphasis on a number of themes, such as: increasing the focus on minority communities in the context of poverty alleviation and development strategies; increasing understanding of minority issues in the context of promoting social inclusion; issues of citizenship, specifically the use of denial of citizenship as a tool for the exclusion of minority groups; and mainstreaming the consideration of minority-related issues throughout the United Nations system.

36. In terms of working methods, she communicated directly with Governments, conducted country visits, developed thematic approaches, identified best practices and found ways of making technical assistance available to States. The Committee's work on early warning and indicators for situations of conflict was of critical importance to the United Nations in general, but also to her mandate. She therefore hoped that she could cooperate closely with the Committee on that topic. In addition, she hoped that she could assist the Committee with the drafting of general recommendations on discrimination and minorities.

37. The issue of the education rights of minorities was of global relevance; minorities around the world had voiced their concern that discrimination in education further entrenched their poverty. During her recent visit to Hungary, for example, the Government and civil society organizations had identified education as a key cause of Roma exclusion. Segregated systems of education and placement in "special" schools offering low-quality education robbed the Roma children of their future. Those practices had negative consequences for the child, the family, the community and the development of the nation as a whole.

38. Obtaining data on the composition of ethnic groups and their relative socio-economic status was a vital element of the fight against discrimination. However, many Governments considered that collecting data disaggregated by ethnicity was discriminatory in itself and might undermine their anti-racism efforts. The lack of disaggregated data was a recurring problem in the Committee's dialogue with reporting States and the attendant issues needed to be examined.

39. Mr. THORNBERRY said that the quality, access, contents and cultural relevance of education were indeed key concerns. The Committee might therefore wish to consider drafting a general recommendation on minority education. Focusing the debate on the relationship between non-discrimination and the education rights of minorities would certainly enhance its conceptual and practical relevance.

40. While the Committee was familiar with the political and conceptual dimensions of data collection, it could provide little guidance to States parties on technical issues such as census or questionnaire design. He wondered whether the Independent Expert might be prepared to undertake a study on the technicalities of data collection, including best practice, in order to inform the Committee's dialogue with States parties.

41. Mr. SICILIANOS said that, given the current move towards establishing a unified treaty body, close interaction between the Committee and United Nations special procedures such as independent experts was vital.

42. The United Nations High Commissioner for Human Rights had repeatedly criticized treaty bodies for making overly general recommendations to States parties that were difficult to implement. He would therefore be interested to know whether the Independent Expert had found the Committee's concluding observations on Hungary helpful in assessing the situation of the Roma community during her visit.

43. He agreed that an in-depth analysis of the practical and technical aspects of data collection was essential. During the Committee's forthcoming dialogue with Ukraine, for example, he planned to draw the delegation's attention to the need for disaggregated data. However, the Advisory Committee of the Council of Europe had criticized the fact that the 2001 population census conducted in Ukraine had included a mandatory question on individuals' "nationality/ethnic origin". The Advisory Committee had considered that such a question should be optional and had requested the Ukrainian Government to revise its practice accordingly. Given that only a limited number of persons would respond to an optional question, the data obtained could potentially be gravely misleading. He asked whether the Independent Expert considered the collection of disaggregated data truly indispensable. If so, the Committee should adopt an appropriate general recommendation as guidance for States parties.

44. Mr. ABOUL-NASR enquired whether the Independent Expert had initiated contact with representatives of developing countries for the purpose of identifying their specific problems and priorities. In order to make meaningful recommendations to States parties, country-specific contexts needed to be taken into account. While education and data collection were certainly important issues, many people in developing countries were struggling to survive. In its recommendations, the Committee must be mindful of the inextricable link between poverty and the enjoyment of other rights, including the right to non-discrimination.

45. Mr. AMIR said that belonging to a minority appeared to be viewed as an affliction that affected populations around the world and resulted in their social exclusion. It was important to remember, however, that those who at present constituted the ethnic majority in countries such as the United States had once themselves been in a minority. Given that historical circumstance, it might be useful to explore the possibility of granting citizenship on the basis of a person's contribution to his or her country of residence, rather than ethnic affiliation.

46. Mr. TANG Chengyuan said that insight gained by the Independent Expert during country visits was highly relevant to the Committee's work. He would welcome information on her relationship with the Human Rights Council.
47. Mr. PILLAI endorsed the comments made by Mr. Thornberry and Mr. Sicilianos in respect of disaggregated data collection.
48. In the debate about the education rights of minorities, it was important to bear in mind that in certain States identifying minority groups was a complex task. In India, for example, persons belonging to a specific ethnic group might be a minority in one federal state but not in another.
49. Mr. YUTZIS expressed the view that a general debate on minorities and education would indeed be extremely useful. Also, he wondered whether the Independent Expert might agree to attend the Committee's dialogue with reporting States she had visited whenever possible. A similar agreement had been reached with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He further suggested that the Independent Expert should work closely with the Committee's Special Rapporteur for follow-up on concluding observations; draw the Committee's attention to specific problems in countries she had visited; and cooperate with the Committee's working group on early warning and urgent action procedures.
50. Mr. SHAHI said that the Committee should endeavour to make concrete recommendations on ways of addressing the plight of indigenous peoples, taking into account country-specific contexts. The Committee should also enhance its cooperation with the Special Adviser on the Prevention of Genocide; the Independent Expert could play an important role in that regard.
51. Mr. LINDGREN ALVES, endorsing Mr. Aboul-Nasr's comments, said that taking into account country-specific contexts was vital. The Committee sometimes adopted recommendations, the implementation of which in certain countries either was entirely unrealistic or threatened to foster divisions that would undermine efforts to combat racism.
52. Ms. JANUARY-BARDILL said that the issue of minority rights could not be divorced from economic and social considerations, especially in developing countries. Linking the debate on minorities to poverty was therefore highly opportune.
53. The recommendations made by the Committee's working group on early warning and urgent action procedures had often remained without response from the State party. The Independent Expert, she hoped, could play a crucial role in bringing such situations to the attention of the Human Rights Council.
54. Mr. AVTONOMOV said that regular meetings with the Independent Expert to discuss issues arising from the Committee's work would be extremely valuable. The question of data collection, for example, must be further discussed. In the Russian Federation, many people were opposed to being treated as a member of a minority group, which illustrated the importance of a differential approach to minority issues.

55. Ms. McDOUGALL (Independent Expert on minority issues) said that she had initiated contact with regional organizations, Governments and NGOs in Africa, among others, to arrange country visits with a view to obtaining a first-hand impression of the situation on the ground. There was a clear link between poverty and the denial of minority rights. Human rights mechanisms must take a comprehensive approach and strengthen cooperation with development institutions. In her work, she had made the fight against poverty and the promotion of economic and social rights a priority.

56. The Committee's concluding observations had indeed proved useful during her visit to Hungary and she had discussed the recommendations with the Hungarian authorities.

57. She had taken note of the Committee's observations on data collection and other pertinent issues and looked forward to engaging in further dialogue.

The meeting rose at 1.10 p.m.