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RELIGIOUS FREEDOM IN THE SULTANATE OF OMAN

INTRODUCTION

Non-Muslim religious groups represent less than five percent of the population and generally are tolerated and permitted to express their beliefs freely.¹ Oman's Royal Decree of 1996 provides for freedom of religion and assembly, and the Sultan's policies generally support the free practice of religion. However, the governmental structure and existing communications legislation, which permits the regulation of some forms of communication, may restrict these freedoms. Additionally, the Ministry of Endowments and Religious Affairs effectively prohibits non-Muslims from proselytizing despite the absence of a law forbidding it. Although Oman appears generally tolerant of other religions, future leaders who are not religiously tolerant like Sultan Qaboos may use this current legislation and their power as Sultan to restrict religious freedoms.

SECTION 1: *Legal Framework*

I. OMANI CONSTITUTIONAL PROVISIONS

In November 1996, Sultan Qaboos issued a royal decree, which is considered the country's Basic Law.² The Decree confirms that Islam is the State's official religion and that Islamic Shari'a is the foundation for legislation.³ However, the Decree does provide for the freedom of religion, so long as that religious practice does not conflict or interfere with moral teachings or public order.⁴ In addition, articles 29 and 30 of the Decree provide for the freedom of correspondence and the free expression of opinion through speech, writing, or other means.⁵

The Decree also provides for the right to assemble and for the freedom to form nationally based societies for "legitimate objectives and by peaceful means."⁶ The state may, however, intervene to "prevent anything that might lead to division, sedition or disruption of national unity," as it must apply the law for "protecting [the family], preserving its legal entity, [and] reinforcing its ties and values."⁷ The Decree recognizes the equality of all citizens and prohibits

¹ U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INT'L RELIGIOUS FREEDOM REPORT 2009, OMAN (Oct. 26, 2009) [hereinafter 2009 RELIGIOUS FREEDOM REPORT], *available at* <http://www.state.gov/g/drl/rls/irf/2009/127355.htm> (stating that the dominant religious group is Ibadhism, a form of Islam distinct from Shi'ism and Sunnism).

² CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK, OMAN, <https://www.cia.gov/library/publications/the-world-factbook/geos/mu.html> (last visited June 7, 2010); *see also* The Ministry of Information of the Sultanate of Oman, <http://www.omanet.om/english/government/basiclaw/overview.asp?cat=gov&subcat=blaw> (last visited June 9, 2010).

³ OMAN SULTANI DECREE NO. (101/96), arts. 1–2.

⁴ *Id.* art. 28 (permitting that an individual may "practice religious rites according to the recognized customs" as long as the practice "does not disrupt the public order or contradict with morals.").

⁵ *Id.* arts. 29–30.

⁶ *Id.* arts. 32–33.

⁷ *Id.* art. 12.

discrimination based on “gender, origin, colour, language, religion, sect, domicile, or social status.”⁸ However, Christians are still treated as second-class citizens.⁹

II. INTERNATIONAL HUMAN RIGHTS CONVENTIONS

While Oman has ratified the International Convention on the Elimination of All Forms of Racial Discrimination¹⁰, the Convention on the Rights of the Child¹¹, and the Convention on the Elimination of All Forms of Discrimination Against Women¹², Oman should be encouraged to ratify the International Covenant on Civil and Political Rights¹³ and the International Covenant on Economic, Social and Cultural Rights¹⁴.

III. DOMESTIC LEGISLATION

Legislation is enacted by a bicameral system that includes the Consultative Council, composed of eighty-four elected officials and the seventy-one sultan-appointed members of the State Council, but only the Sultan has the absolute power to review and issue laws.¹⁵

Apostasy and Blasphemy Law. Apostasy is not a criminal offense in Oman, but, under the Personal Status and Family Legal Code, a father who converts from Islam to another religion may lose paternal rights over his children.¹⁶ However, this law has never been enforced; nor has the law that allows the government to imprison and to fine anyone who publicly blasphemes God or his prophets under article 209 of the Penal Code.¹⁷ The government prohibits interference with religious gatherings and imposes fines and imprisonment if an individual commits a verbal or written affront against a religious group or breaches the peace of a lawful religious gathering.¹⁸

However, the Penal Code may be a cause for concern because it maintains broad and vague provisions for offenses against national security. Alleged violations are usually prosecuted in closed proceedings, and prisons are not accessible to independent monitors.¹⁹

Proselytizing by Non-Muslims. While the government does not explicitly prohibit proselytizing by non-Muslims, the Ministry of Endowments and Religious Affairs (MERA) can stop individuals from proselytizing if it receives a complaint.²⁰ The government does permit

⁸ *Id.* art. 17; *see also* Freedom House, Freedom in the World 2009 - Oman, 16 July 2009 [hereinafter Freedom in Oman 2009], available at <http://www.unhcr.org/refworld/docid/4a6452939.html>.

⁹ Voice of the Martyrs, Restricted Nations – Oman,

<http://www.persecution.com/public/restrictednations.aspx?clickfrom=bWFpb19tZW51> (last visited May 19, 2010).

¹⁰ International Convention on the Elimination of All Forms of Racial Discrimination, Mar. 7, 1966, 660 U.N.T.S. 195.

¹¹ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

¹² Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

¹³ International Covenant on Civil and Political Rights, Mar. 1976, 999 U.N.T.S. 171.

¹⁴ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.

¹⁵ U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, 2009 HUMAN RIGHTS REPORT: OMAN (March 11, 2010) [hereinafter 2009 HUMAN RIGHTS REPORT], available at

<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136077.htm>. *But see* Freedom in Oman 2009, *supra* note 8.

¹⁶ 2009 RELIGIOUS FREEDOM REPORT, *supra* note 1.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Freedom in Oman 2009, *supra* note 8.

²⁰ 2009 RELIGIOUS FREEDOM REPORT, *supra* note 1; *see also* Religious Freedom Key U.S. Concern in Middle East, Official Says, ST. NEWS SERV., (July 5, 2006) (“[a]lthough . . . Oman . . . provide[s] for freedom of religious worship

private groups to promote interfaith dialogue but only if the purpose of the discussion is not to convert Muslims.²¹ In addition, “[t]he government may use immigration regulations and laws against harassment to enforce the ministry’s policy” against proselytization.²²

Treatment of Religious Groups. The government has actually promoted discussions among religious groups by publishing *Al Tasamoh* (“Tolerance”), a periodical that promotes discussion about other faiths and cultures, and by sponsoring forums that examine other religions.²³ Also, the Sultan not only donated personal funds to build two Hindu temples, but he also had his personal guard protect the temple when there was a riot in India.²⁴ The government also made it easier for religious workers to enter the country by removing limitations on the number of religious workers allowed into the country and by shortening the approval time for religious workers to enter the country from two months to a week.²⁵

In 2006, MERA distributed a circular to non-Muslim religious leaders that confirmed their right to practice their religion freely.²⁶ However, MERA prohibited religious gatherings in private homes or outside of government-approved locations.²⁷ The circular also stated that religious leaders must notify MERA before importing religious materials.²⁸ While MERA retains the privilege to review imported religious material, it has not used its privilege.²⁹ All religious organizations must register with MERA, and non-Muslim organizations must obtain a location for worship from MERA or one of five official sponsors.³⁰ The Sultan personally donated land so non-Muslim groups could worship without interference.³¹ However, the lack of space and small number of locations limit the size and number of groups that may meet.³² In addition, groups may not appeal a refusal to form peaceful public assemblies, and the government may use the registration process to “block the formation of groups that are seen as a threat to stability.”³³ Leaders of all religious groups must register with MERA in order to lead

in [its] constitution[] or basic laws, in practice . . . strict limitations remain in place across the Middle East on such activities as proselytizing and conversion and many governments openly discriminate against members of minority religions.”); Freedom House, *Freedom in the World 2010 - Oman, 2010* [hereinafter *Freedom in Oman 2010*], available at <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7892>.

²¹ *Freedom in Oman 2010*, *supra* note 20.

²² 2009 HUMAN RIGHTS REPORT, *supra* note 15.

²³ *Id.*

²⁴ Antony Kuriakose, *The Hindu Diaspora in the Middle East: No Freedom of Religion!*, ORGANISER, March 28, 2010, <http://www.organiser.org/dynamic/modules.php?name=Content&pa=showpage&pid=337&page=6> (stating that “[t]oday Oman is the only country in the Middle East which has an indigenous Hindu minority. It is the only Arab country, where irrespective of his or her religion, any person who has lived in the country for at least 20 years, is eligible to apply for citizenship, which almost a thousand Indians have so far been accorded . . .”).

²⁵ 2009 RELIGIOUS FREEDOM REPORT, *supra* note 1.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* (stating that official sponsors include “the Protestant Church of Oman, the Catholic Diocese of Oman, the al Amana Center (interdenominational Christian), the Hindu Mahajan Temple, and the Anwar al-Ghubaira Trading Company in Muscat (Sikh) . . .”).

³¹ *Id.*

³² *Id.* (stating that as of 2009, a Buddhist group, though allowed to hold meetings, was not able to find a corporate sponsor to provide facilities, and the government had not granted them land.)

³³ *Freedom in Oman 2009*, *supra* note 8.

worship.³⁴ MERA also monitors mosque sermons for political content and compliance with MERA standardized texts and enforces a licensing scheme for imams who lead.³⁵

Communication Laws. While the 1996 Royal Decree provides for free expression, a 2008 sultani Decree increased government regulation of communication. Article 61 of this Decree allows the government to fine or imprison a person for sending a message through a communication outlet “that is contrary to the government system and public morals.”³⁶ The Decree allows government oversight of electronic communication, including personal blogs; it also allows the government “to prosecute anyone associated with a Web site or blog that posts anything objectionable.”³⁷ The 1984 Press and Publication Law permits government censorship of “politically, culturally, or sexually offensive” material, and it prohibits the media or citizens from criticizing the Sultan.³⁸ As government-owned Omantel is the sole internet service provider for Oman, the government may censor local sites and control access to foreign sites.³⁹

Treatment of Women. The treatment of women in Oman further demonstrates the Sultan’s dedication to tolerance. Omani law not only recognizes sexual equality, but the government has also been proactive in promoting this equality. Women in Oman have the right to vote and may be elected or appointed to the Consultative or State Council.⁴⁰ The Sultan formally recognized International Women’s Day in 2010 and endorsed recommendations of the 2009 Omani’s Women’s Symposium that called for an increased role of Omani women in professional jobs.⁴¹ Also, women may wear the hijab in official photographs, but they may not wear a full veil.⁴²

IV. JUDICIAL SYSTEM

The court system is supervised financially by the Ministry of Justice but remains subordinate to the Sultan.⁴³ Shari’a courts handle personal status and family law issues⁴⁴, but non-Muslims may follow their own religious beliefs regarding family and personal issues instead of the Personal Status and Family Legal Code that follows Shari’a law.⁴⁵ In less populated areas, however, local officials may use tribal laws and customs for dispute resolution.⁴⁶

³⁴ 2009 RELIGIOUS FREEDOM REPORT, *supra* note 1.

³⁵ *Id.*; 2009 HUMAN RIGHTS REPORT, *supra* note 15.

³⁶ Freedom in Oman 2009, *supra* note 8 (citing Article 61 of the Press Law: “every person who sends a message via a means of communication that is contrary to the government system and public morals or that is knowingly untrue ... shall be punished by a prison sentence of not more than one year and a fine of not more than 1,000 riyals,” or \$2,600).

³⁷ Michael Slackman, *With Murmurs of Change, Sultan Tightens Grip*, N.Y. TIMES, May 14, 2009, available at http://www.nytimes.com/2009/05/15/world/middleeast/15sultan.html?_r=1; see also Freedom in Oman 2009, *supra* note 8.

³⁸ U.N. DEV. PROGRAMME, PROGRAMME ON GOVERNANCE IN THE ARAB REGION, CIVIL SOCIETY: OMAN, <http://www.pogar.org/countries/theme.aspx?t=2&cid=13> (last visited June 8, 2010).

³⁹ *Id.*

⁴⁰ Hussein Shehadeh, *Omani Women Honoured, Empowered*, MIDDLE EAST ONLINE (March 19, 2010) <http://www.middle-east-online.com/english/oman/?id=37925>.

⁴¹ *Id.*

⁴² 2009 RELIGIOUS FREEDOM REPORT, *supra* note 1.

⁴³ *Id.*; see also Freedom in Oman 2009, *supra* note 8.

⁴⁴ U.S. DEP’T OF STATE, BUREAU OF NEAR EASTERN AFFAIRS, BACKGROUND NOTE: OMAN (March 31, 2010), <http://www.state.gov/r/pa/ei/bgn/35834.htm>.

⁴⁵ 2009 RELIGIOUS FREEDOM REPORT, *supra* note 1.

⁴⁶ Freedom in Oman 2009, *supra* note 8.

Although there are few reports of religious discrimination, law enforcement policies are somewhat troubling. Arbitrary arrest and detention are prohibited, but often police are not required to obtain an arrest warrant.⁴⁷ Government authorities are required to have a court order to hold a suspect in pretrial detention, but police and security officials usually do not follow this procedure.⁴⁸

SECTION 2: *Recent Incidents of Restrictions on Speech and Religious Intolerance*

Although Oman's government policies support freedom of practice of religion and freedom of expression, recent events indicate that it is leaning towards the authoritarian approach of its neighbors with regard to communication. The following examples describe recent incidents of intolerance and government attempts to restrict communication. An excerpt of each news story can be found in the Appendix.

1. May 2009 – Ali Salem al-Beidh, a Yemeni dissident, was stripped of his Omani citizenship for criticizing the Yemeni government and its management of the political crisis in the south of Yemen.⁴⁹
2. April 2009 – Civil aviation official, Ali al-Zuwaidy, was imprisoned and fined for posting online a government document that revealed a directive for a radio program to stop its criticism of the government.⁵⁰
3. July 2005 – Human rights activist Abdullah Ryami was arrested for openly criticizing the government's arrest of 31 Omanis for plotting a coup.⁵¹

SECTION 3: *Implications for the Future*

Because the legislative and judicial systems, as well as the Omani constitutional equivalent, are largely created by and subject to the Sultan, the future of religious freedom in Oman depends on the future of the sultanate. Sultan Qaboos is unmarried and has not designated his successor. While most of Oman's key groups including tribal leaders and mainstream Islamic groups view him favorably, he is perceived by Islamist extremists to be “insufficiently religious.”⁵² Furthermore, the “departure of Qaboos, a serious economic downturn, or a reaction against modernization at the expense of traditional values could result in an assertion of authority by the tribal and religious leaders.”⁵³ These considerations, taken together with recent legislation and the fact that Oman retains Iran as a close ally,⁵⁴ give serious cause for concern that the present level of free religious expression experienced in Oman may not be a reality in the future.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Freedom in Oman 2010, *supra* note 20.

⁵⁰ *Id.*; see also THE ARABIC NETWORK FOR HUMAN RIGHTS INFORMATION, *Oman: Human Rights Institutions and Arab Civil Society call on Sultan of Oman Qaboos to halt the prosecution of Ali al-Zuwaidi* (April 18, 2009), available at <http://www.anhri.net/en/reports/2009/pr0418.shtml>.

⁵¹ Oman: Critics Subjected to Injustices They Had Exposed, HUMAN RIGHTS WATCH, July 17, 2005, <http://www.hrw.org/en/news/2005/07/17/oman-critics-subjected-injustices-they-had-exposed> (last visited June 7, 2010).

⁵² POLITICAL RISK SERVICES, OMAN COUNTRY REPORT 13 (March 1, 2009), available at http://www.prsgroup.com/prsgroup_shoppingcart/pc-71-7-country-reports.aspx.

⁵³ *Id.* at 35.

⁵⁴ Michael Slackman, *Oman Navigates Between Iran and Arab Nations*, N.Y. TIMES, May 15, 2009, http://www.nytimes.com/2009/05/16/world/middleeast/16oman.html?_r=1.

APPENDIX

1. The case of Ali Salem al-Beidh

Freedom House, Freedom in the World 2010 - Oman, 2010, *available at*
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7892>.

[*excerpt*]

In May 2009, the government stripped Ali Salem al-Beidh, a Yemeni dissident living in exile in the country since 1994, of his Omani citizenship. A past supporter of the secessionist movement in southern Yemen, al-Beidh was punished for issuing a political statement critical of the Yemeni government's handling of the political crisis in the south.

2. The case of Ali al-Zuwaidy

Freedom House, Freedom in the World 2010 - Oman, 2010, *available at*
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7892>

[*excerpt*]

In April 2009, Ali al-Zuwaidy, a civil aviation official, was sentenced to one month in prison and fined \$520 for leaking a government document on a popular website. Al-Zuwaidy had posted a cabinet directive calling for a popular radio program to cease its anti-government criticism. He served 11 days of the sentence, with the remainder suspended.

THE ARABIC NETWORK FOR HUMAN RIGHTS INFORMATION, *Oman : Human Rights Institutions and Arab Civil Society call on Sultan of Oman Qaboos to halt the prosecution of Ali al-Zwaidi* (April 18, 2009), *available at*
<http://www.anhri.net/en/reports/2009/pr0418.shtml>.

[*excerpt*]

Today International and Arab human rights and civil society institutions signatory to this statement have urged Sultan 'Qaboos' of Oman, to use his constitutional powers to halt the prosecution of journalist and Internet activist 'Ali al-Zweidi', who is now awaiting the court's verdict to be issued on April 21, 2009 on charges that carry a maximum sentence of four years in prison, although his actions were limited to exercise his rights to freedom of expression and information.

The facts in the case of al- Zweidi go back to last August, 2008, when al-Zwaidi allowed an article in English criticizing Omantel company to be posted on an internet forum he was moderating "Sablat Oman - <http://www.omania2.net>", and he was held for questioning and then released right after the investigation.

In February 2009, he was held for questioning again for publishing a paper/document leaking plans by the Council of Ministers for a television programme called "Hadha al-Sabah", which revealed that the programme which the Omani citizens think is broadcast live, was recorded.

Al-Zwaidi, who is also a distinguished board member of the Omani Writers' Society, is facing a possible one-year prison sentenced for permitting the posting of an article criticizing the head of the telecommunications company Omantel, though he did not write, but only allowed to publish" in contravention of the Omani communications law, while the second case; publication of documents in relation to the television programme "Hadha al-Sabah", is punishable with a sentence of up to three years in prison.

The signatories to this appeal affirmed that "Continuing the prosecution of al-Zweidi is distorting the image of the Omani government, and rendering it to be included among those countries in the region that repress freedom of expression. Halting this trial will restore things to normal and assert the tolerance and generosity of the Omani government for those journalists who strive for the benefit of society, regardless of the severity/harshness of the articles they wrote or published."

At a court hearing on 17 March, al-Zweidi was surprised to learn that he was also charged with leaking a secret document about plans by the Council of Ministers for a television program called "Hadha al-Sabah". The court ruling is due to be issued on 21 April, not only in the case of al-Zweidi, but also the decision to either add the Sultanate of Oman in the list of Countries hostile to freedom of expression, or to remain in the list of countries that ensure the enjoyment by citizens of this important value.

3. The case of Abdullah Ryami

Oman: Critics Subjected to Injustices They Had Exposed, HUMAN RIGHTS WATCH, July 17, 2005, <http://www.hrw.org/en/news/2005/07/17/oman-critics-subjected-injustices-they-had-exposed> (last visited June 7, 2010).

[excerpt]

The Omani authorities should immediately inform `Abdullah Ryami's family of his whereabouts. They must release him or charge him with a crime, and must respect his rights to an attorney and for his family members to visit him.

The incommunicado detention of a prominent playwright and human rights activist in Oman exposes the country's weak legal protections and due process provisions, Human Rights Watch said today.

The Omani activist's family said that they have not heard from him and have been unable to obtain information about his condition and his whereabouts from the police. The police have denied `Abdullah Ryami's family the opportunity to hire a lawyer for him.

"The Omani authorities should immediately inform `Abdullah Ryami's family of his whereabouts," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "They must release him or charge him with a crime, and must respect his rights to an attorney and for his family members to visit him."

Ryami had vocally criticized the Omani government's arrests, starting in December, and the eventual trial of 31 Omanis of the `Ibadi faith on charges of plotting a coup. At the time, Ryami told Gulf News that "[t]here is no information about the detainees, and even their family members are unaware of their whereabouts." The State Security Court convicted the men on May 2 and sentenced them to prison terms of between one and twenty years on charges that ranged from weapons possession to leading a conspiracy to overthrow the government.

In addition, Ryami publicized what he described as excessive use of force by the Omani police against what witnesses described to Human Rights Watch as a peaceful demonstration protesting the conviction of the 31 `Ibadis. Ryami described how the police trapped demonstrators inside the Sa`id Ibn Taimur Mosque in Muscat and beat those who tried to escape with batons. Mr. Ryami continuously monitored the trial of 24 of the demonstrators before the State Security Court.

In May and June, Ryami also publicized the government's prosecution of former parliamentarian and journalist, Tayba Ma`wali, whom the government charged with insulting public officials via telephone and internet. Omani officials demanded that Ryami present himself for interrogation two days before the court issued its verdict against Ma`wali on July 13.

Sultan Qaboos of Oman on June 9 pardoned the convicted plotters and amnestied the 24 demonstrators before a verdict was reached in their trial. However, the court sentenced Ma`wali to a year and a half in prison for violating article 61 of the Omani Press Law, among other charges. The provision states that "[e]very person who sends a message via a means of communication that is contrary to the governing system and public morals or that is knowingly untrue ... shall be punished by a prison sentence of not more than one year and a fine of not more than 1,000 [Omani] Riyal..." Ma`wali is currently imprisoned. While under investigation, she refused to sign an acknowledgement of her alleged misdeed in exchange for the promise of a pardon.

"Taybah Ma`wali and `Abdullah Ryami are on the frontlines of defending the freedom of assembly and expression as well as the right to a fair trial in Oman," said Whitson. "It is a bitter irony that the Omani authorities should seek to silence them by using the same outmoded laws, unlawful detentions and closed trials that Ma`wali and Ryami have tried to expose."

Omani government officials already had informally barred Ryami and Mohamed Harthi, a columnist and poet, from writing for newspapers or producing plays for television following their critique of the Omani democratic reform process during an interview in

July 2004 with the Iranian TV station, al-`Alam. In the interview, they criticized Oman's outmoded press law, among other things.

The Omani penal code allows broadly and vaguely defined charges against national security to be prosecuted before the State Security Court, where defendants enjoy fewer due process rights, such as sufficient time to review the evidence against them, and whose proceedings are frequently closed to the public.