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### **Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Oman\***

The present report is a summary of 8 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## **Information provided by stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations<sup>2</sup>**

1. Alkarama, Joint Submission 1 (JS1), Human Rights Watch (HRW) and the International Service for Human Rights (ISHR) recommended that Oman ratify ICCPR and its optional protocols.<sup>3</sup>
2. Alkarama and ISHR also recommended that Oman ratify CAT and its optional protocol.<sup>4</sup>
3. HRW and ISHR recommended that Oman ratify ICESCR and its optional protocol.<sup>5</sup>
4. ISHR also recommended that Oman ratify ICPPED.<sup>6</sup>

#### **2. Constitutional and legislative framework**

5. Alkarama stated that the 1996 Constitution affirmed the fundamental rights and freedoms of all people, whilst subjecting them to the application of laws and decrees. Alkarama added that in practice an extremely restrictive legal framework had rendered these rights meaningless.<sup>7</sup>
6. Alkarama indicated that since the demand for more social justice and greater participation in the country's political life during the peaceful demonstrations of 2011, the political situation had severely deteriorated in Oman, a country in which the separation of powers was non-existent. Systematic repression had created a climate of fear, progressively imposed by the Sultanate, according to Alkarama.<sup>8</sup>

#### **3. Institutional and human rights infrastructure and policy measures**

7. Alkarama stated that the National Human Rights Commission of Oman (NHRCO) did not enjoy the necessary autonomy vis-à-vis the executive, owing particularly to its limited mandate and the mode of its members' appointment. Established by a royal decree in 2008, its legal basis contradicted the Paris Principles and deprived it of the independence required to ensure an effective role in the promotion and protection of human rights, according to Alkarama.<sup>9</sup> Alkarama recommended that Oman review the establishment, method of appointment and mandate of the NHRCO to bring it in conformity with the Paris Principles.<sup>10</sup> HRW made similar recommendation.<sup>11</sup>
8. The NHRCO reported on the creation of a Generate Directorate specialized in following up on the affairs of disabled persons.<sup>12</sup> It also noted the establishment of the National Committee for Combatting Human Trafficking and recommended the organizing of raising awareness programs in favor of public as well as local and national authorities on issues related to combatting human trafficking and relevant laws on the matter.<sup>13</sup>

### **B. Cooperation with human rights mechanisms**

#### **Cooperation with special procedures**

9. JS1 and ISHR recommended that Oman extend a standing invitation to all United Nations special procedures, particularly to the Special Rapporteur on Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders.<sup>14</sup>

## C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### 1. Equality and non-discrimination

10. HRW referred to recommendation accepted by Oman during its first UPR in 2011 to “take additional measures to eliminate all forms of discrimination against women and promote the status of women and their participation in all State institutions.”<sup>15</sup> It indicated that while Article 17 of the Basic Law stated that all citizens were equal and prohibited gender-based discrimination, women however continued to face discrimination in law and practice, in relation to divorce, inheritance, child custody and legal guardianship of children.<sup>16</sup> Society for threatened Peoples (STP) expressed similar concern.<sup>17</sup> HRW added that the authorities had taken some steps to tackle discrimination against women but some of the changes did not go far enough.<sup>18</sup>

11. HRW recommended that Oman end discrimination in law and practice against women and girls in accordance with CEDAW.<sup>19</sup>

12. ISHR indicated that the criminalisation of the entire LGBT community created a context in which risks for those advocating LGBT equality were exacerbated. It recommended that Oman acknowledge the role of LGBT defenders in defending the rights of the communities which they represent and take immediate steps to decriminalise homosexuality.<sup>20</sup>

### 2. Right to life, liberty and security of the person

13. HRW recommended that Oman implement an immediate moratorium on the death penalty with a view towards abolishing it.<sup>21</sup>

14. Alkarama reported that during the protests before the Advisory Council in Sohar and Mascate in 2011, it identified a disproportionate and unjustified use of force to violently disperse demonstrators. It also reported that in May 2011, 107 persons were arrested during their participation in peaceful demonstrations, with some subsequently detained *incommunicado*.<sup>22</sup> Front Line Defenders (FLD) added that arrest and detention by the police or security services had been widely reported. In many cases, persons arrested were released without charges. At times, those persons had been held *incommunicado* or otherwise prevented to access legal assistance, or the authorities had refused to acknowledge the arrest or to disclose the place of detention, according to FLD.<sup>23</sup> JS1, HRW and ISHR expressed similar concerns.<sup>24</sup>

15. Alkarama recommended that Oman implement demonstration control procedures in line with internationally accepted standards; put an end to arbitrary arrests and detention, in particular when secret and *incommunicado*; establish a legal framework in accordance with the principles guaranteeing respect for fundamental rights and freedoms; fight against the impunity of State officials responsible for serious human rights violations and provide victims with adequate compensation.<sup>25</sup> JS1, FLD, HRW and ISHR made similar recommendations.<sup>26</sup> JS1 also recommended that Oman establish an impartial and independent complaint mechanism to combat excessive State violence against peaceful protestors; and strengthen the capacity of the NHRCO to work with civil society and to monitor and provide remedy for human rights violations.<sup>27</sup>

16. Alkarama recommended that Oman establish a definition of torture in accordance with international law.<sup>28</sup>

17. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that in Oman, corporal punishment of children was lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child. GIEACPC

noted that no specific recommendation to prohibit corporal punishment was made during the first UPR of Oman in 2011, but the country accepted recommendations to strengthen domestic legislation in light of international human rights standards, including the Convention on the Rights of the Child under which States parties have an obligation to enact legislation to prohibit corporal punishment.<sup>29</sup> GIEACPC hoped that Oman will receive during its second review in 2015 a specific recommendation requesting that legislation be adopted to clearly prohibit all corporal punishment of children in all settings, including the home.<sup>30</sup>

### **3. Administration of justice, including impunity, and the rule of law**

18. Alkarama stated that the absence of an independent judiciary, controlled instead by the executive and increasingly instrumental in quelling any dissent, undermined the rule of law. It recommended ensuring full independence of the judiciary, including the establishment of a Supreme Judicial Council, impartial to the executive.<sup>31</sup>

19. Despite the existence of the Juvenile Accountability Law 30/2008, the NHRCO recommended that juvenile centers be established in various regions of Oman and requested the creation of specialized courts that focused entirely and solely on cases committed by juveniles.<sup>32</sup>

### **4. Right to marriage and family life**

20. The NHRCO highlighted the fact that women who were married to non-Omanis were subject to discrimination and prejudice as their children were not eligible to Omani citizenship according to the Nationality Law (34/2014) which denied them such nationality. It also indicated that while having to go through a permission process that legally recognized a marriage, both husband and children were only allowed to reside in the country on the basis of employment and a valid work permit. The NHRCO requested the revision of Article 4, 18 (ii) and 20 of the Nationality Law which was issued in 2014 for the purpose of putting an end to this specific concern.<sup>33</sup> On the same issue, HRW recommended that Oman allow women to pass their nationality onto their children in an equal manner with men.<sup>34</sup>

### **5. Freedom of movement**

21. FLD indicated that Oman's authorities had imposed travel bans on human rights defenders (HRDs), without any judicial ruling or possibility to appeal the decision. The bans appeared to be aimed at preventing HRDs from speaking on the situation in Oman at international events, according to FLD.<sup>35</sup> ISHR expressed similar concern.<sup>36</sup> FLD recommended that Oman lift the travel bans issued against HRDs.<sup>37</sup> ISHR recommended that Oman ensure that HRDs could travel freely in order to attend international human rights events and access international human rights networks and mechanisms.<sup>38</sup>

### **6. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

22. Alkarama referred to recommendation accepted by Oman during its first UPR in 2011 to "enhance freedom of expression, association and assembly",<sup>39</sup> while HRW referred to accepted recommendation to "review its relevant legal framework to safeguard the legitimate exercise of freedom of expression".<sup>40</sup> Alkarama stated that these freedoms were guaranteed by Oman's Law which also restricted them, and they had been increasingly limited since 2011.<sup>41</sup> Alkarama indicated that the authorities had justified numerous exceptions to these freedoms on the basis of "public order" and "national security", broadly interpreted to include any peaceful action or protest.<sup>42</sup> Alkarama added that freedom of the Press was limited by several legal restrictions, particularly in cases of "violations of State

security”, and offences such as the “incitement to civil war”, to “religious or sectarian dissent” or the “spreading of hatred among the population” were used to suppress freedom of expression and prosecute opposition.<sup>43</sup> Finally, the criminalisation of “undermining the prestige of the State”, recently introduced in the Penal Code, was systematically used to silence and punish any criticism of the authorities, including in cases where such persons had denounced corruption within the Government, according to Alkarama.<sup>44</sup> HRW, JS1, FLD, ISHR and STP expressed similar concerns.<sup>45</sup>

23. Alkarama recommended that Oman ensure freedom of opinion and expression in accordance with international standards and decriminalise free expression and peaceful protest against the Government.<sup>46</sup> HRW, JS1 and FLD made similar recommendations.<sup>47</sup>

24. Concerning freedom of assembly, Alkarama stated that the Constitution recognised citizens’ rights to assembly “within the limits of the law”. It also stated that under the Penal Code, persons participating in a gathering of over ten persons might be sentenced for up to one year in prison for “disturbing public order”. According to Alkarama, the Penal Code was often used to suppress peaceful demonstrations, and in practice, any meeting between a plurality of persons in a public space was prohibited and considered an “unlawful assembly”.<sup>48</sup> JS1, HRW and STP expressed similar concerns.<sup>49</sup>

25. Alkarama recommended Oman to guarantee an effective right to peaceful assembly by amending the Penal Code.<sup>50</sup> JS1 and HRW made similar recommendation.<sup>51</sup> JS1 also recommended that Oman adopt best practices on freedom of peaceful assembly, as put forward by the Special Rapporteur on the rights to freedom of peaceful assembly and of association in his annual report (2012) which called for simple notification rather than explicit permission to assemble.<sup>52</sup>

26. As regards freedom of association, Alkarama indicated that the Constitution established the right to form associations, but limited this to those having “legitimate objectives”; activities considered “contrary to social order” were thus prohibited.<sup>53</sup> FLD stated that the law defined five thematic areas in which associations were permitted to work, namely: orphans care, maternal and child care, women services, elderly care, and care for people with disabilities. The law prohibited associations from engaging with politics, according to FLD.<sup>54</sup> Alkarama added that the law forbade associations from having relations with foreign countries, providing assistance to others associations, or organising festivities without prior permission from the administration. The Ministry of Social Development which monitored associations might oppose the establishment of an association if it believed that “Omani society did not need it, if there was a similar association, or the object stated in the articles of association was contrary to the interest of national security or for any other reason that the Minister considered relevant”, and such refusal could not be challenged by judicial proceedings, according to Alkarama.<sup>55</sup>

27. Alkarama recommended Oman to ensure freedom of association, including for political purposes, without interference by the Government, and in accordance with international standards.<sup>56</sup> FLD recommended that Oman review legislation governing associations to ensure the free and independent establishment and operation of civil society organisations, including their right to receive domestic and foreign fund.<sup>57</sup> HRW recommended that Oman amend the Civil Societies Law and lift restrictions preventing political opposition parties, human rights groups, and other independent civil society organizations from legally operating in the country.<sup>58</sup> The NHRCO recommended the revision of the Print and Publications Law, the Civil Associations Law and the Penal Code on matters involving freedom of assembly in order to adhere to relevant international human rights standards. It also recommended that the revision of the Civil Associations Law take into consideration the recommendations provided by the relevant Special Rapporteurs in line with their respective mandates.<sup>59</sup>

28. Concerning human rights defenders (HRDs), FLD reported that the judicial system was one of the main tools used to silence them, charges used against them including illegal gathering, insulting the authorities, undermining the prestige of the State, or public order offences.<sup>60</sup> In many cases, the charges were related to comments or opinions expressed online, in blogs or social media networks, and were brought under the 2011 Cyber Crime Law, according to FLD.<sup>61</sup> Alkarama added that following their arrest, HRDs were routinely held *incommunicado* and the testimonies described detention conditions as inhuman and degrading, with the right to have access to a lawyer or one's relatives never respected.<sup>62</sup> HRDs who met with the Special Rapporteur on the rights to freedom of peaceful assembly and of association suffered severe reprisals following his visit, according to Alkarama.<sup>63</sup> HRW and ISHR expressed similar concerns.<sup>64</sup>

29. Alkarama recommended Oman to end reprisals against HRDs and release all those detained for participating in peaceful activities.<sup>65</sup> FLD, HRW and ISHR made similar recommendations.<sup>66</sup> FLD, HRW and ISHR indicated that the Sultan of Oman pardoned in 2013 Government critics who had been prosecuted under laws.<sup>67</sup> According to ISHR, whilst the liberation of convicted individuals was encouraging, the arbitrary use of pardons failed to acknowledge the invalidity of the initial prosecutions and failed to safeguard against repetition of such abuses against HRDs.<sup>68</sup>

30. Alkarama indicated that the 2014 amendments relating to the Nationality Law introduced provisions authorising the forfeiture of Omani nationality of any citizen who damaged the State's image abroad, including through collaboration with "international organisations".<sup>69</sup> Omani civil society feared that these provisions might be used by the authorities in retaliation against HRDs working or communicating with NGOs or the United Nations, according to Alkarama.<sup>70</sup> JS1 and HRW expressed similar concern.<sup>71</sup> HRW added that it was concerned that the language in the new Nationality Law was vague and overbroad, and could give rise to cases of statelessness.<sup>72</sup>

31. Alkarama recommended that Oman repeal the aforementioned provisions to the Nationality Law and end the practice of depriving nationality to muzzle any form of criticism.<sup>73</sup> HRW made similar recommendation in order to avoid statelessness.<sup>74</sup>

## **7. Right to work and to just and favourable conditions of work**

32. The NHRCO noted that the Government was in the process of drafting a new Labour Law and stressed the need for the plight and conditions of domestic workers were included and considered. According to the NHRCO, there was a Ministerial Decision 1/2011 that outlined the procedures to be undertaken with regard to domestic workers which needed further enhancement and endorsement by the concerned authorities.<sup>75</sup>

33. The NHRCO reported that as per national statistics provided by the National Statics Center in 2013, the percentage of women employed by the public sector in 2013 was 45% compared to 20.5% in the private sector. The NHRCO stated that women did not face discrimination in the workplace and that equal opportunities in employment did exist in reality. The NHRCO also reported that it did not receive cases of discriminatory acts as a result of gender inequality in workplaces.<sup>76</sup>

## **8. Persons with disabilities**

34. Concerning the integration of children with special needs into national educational system, the NHRCO advised that educational teams, specialized staff and qualified facilities should be put in place in order to ensure that disabled children with special needs enjoy their full educational rights according to international standards.<sup>77</sup>

## 9. Migrants, refugees and asylum seekers

35. HRW referred to recommendation accepted by Oman during its first UPR in 2011 for a better protection of migrant workers<sup>78</sup> and reported however that Oman's visa-sponsorship system (*kafala*) tied migrant workers to their employers and did not allow them to change employers without their consent.<sup>79</sup> Migrant domestic workers, who were largely female, had even less protection as the Labour Law under article 2(3) explicitly excluded domestic workers from its remit, according to HRW.<sup>80</sup> HRW also indicated that it had documented abuses by employers and recruitment agents against domestic workers in the country.<sup>81</sup> Oman voted in favor of the 2011 International Labour Organization (ILO) Convention on Decent Work for Domestic Workers but had yet to ratify it, according to HRW.<sup>82</sup>

36. HRW recommended that Oman abolish the *kafala* system to allow migrant workers to change or leave their employers without requiring their consent or legal status; and extend labour law protections to domestic workers in line with the ILO Convention on Decent Work for Domestic Workers.<sup>83</sup> The NHRCO made similar recommendation.<sup>84</sup>

## 10. Human rights and counter-terrorism

37. Alkarama expressed concern that the anti-terrorism legislation be used to suppress persons peacefully exercising their universally recognised fundamental rights, and to prosecute those seeking to create a political party, prohibited in the country.<sup>85</sup> It recommended that Oman amend the anti-terrorism legislation to bring it in conformity with the guarantees and fundamental freedoms of a fair trial.<sup>86</sup>

Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

*Civil society*

Individual submissions:

Alkarama	Alkarama, Geneva (Switzerland);
FLD	Front Line Defenders, Blackrock / Dublin (Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
ISHR	International Service for Human Rights, Geneva (Switzerland);
STP	Society for Threatened Peoples, Göttingen (Germany).

Joint submission:

JS1	Joint submission 1 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); and Gulf Center for Human Rights, Beirut (Lebanon).
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National human rights institution(s):

NHRCO	National Human Rights Commission of Oman, Muscat (Oman).
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<sup>2</sup> The following abbreviations have been used in the present document:

ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Alkarama, p. 1; JS1, p.8; HRW, p. 5; ISHR, p. 2.

<sup>4</sup> Alkarama, p. 1; ISHR, p. 2.

<sup>5</sup> HRW, p. 5; ISHR, p. 2.

<sup>6</sup> ISHR, p. 2.

<sup>7</sup> Alkarama, p. 1.

<sup>8</sup> Alkarama, p. 1.

<sup>9</sup> Alkarama, p. 1.

<sup>10</sup> Alkarama, p. 2.

<sup>11</sup> HRW, p. 5.

<sup>12</sup> NHRCO, p. 5.

<sup>13</sup> NHRCO, p. 10.

<sup>14</sup> JS1, p. 10; ISHR, p. 2.

<sup>15</sup> HRW, p. 4. For the full text of the UPR recommendation, see A/HRC/17/7, para. 89.31 (Bahrain).

<sup>16</sup> HRW, p. 4.

<sup>17</sup> STP, p. 3.

<sup>18</sup> HRW, p. 4.

<sup>19</sup> HRW, p. 5.

<sup>20</sup> ISHR, p. 2.

<sup>21</sup> HRW, p. 5.

<sup>22</sup> Alkarama, p. 3.

<sup>23</sup> FLD, p. 4.

<sup>24</sup> JS1, pp. 3 - 5; HRW, pp. 2 - 4; ISHR, pp. 1 - 2.

<sup>25</sup> Alkarama, p. 3.

<sup>26</sup> JS1, pp. 10 and 11; FLD, p. 7; HRW, p. 5; ISHR, p. 2.

<sup>27</sup> JS1, p. 11.

<sup>28</sup> Alkarama, p. 2.

<sup>29</sup> GIEACPC, pp. 1 and 2. For the full text of the UPR recommendations, see A/HRC/17/7, paras. 89.6



- (Qatar), 89.8 (Indonesia), 89.10 (Bangladesh).
- 30 GIEACPC, pp. 1 and 2.
- 31 Alkarama, p. 4.
- 32 NHRCO, p. 14.
- 33 NHRCO, p. 8.
- 34 HRW, p. 5.
- 35 FLD, p. 5.
- 36 ISHR, p. 2.
- 37 FLD, p. 7.
- 38 ISHR, p. 2.
- 39 Alkarama, p. 4. For the full text of the UPR recommendation, see A/HRC/17/7, para. 89.56 (Brazil).
- 40 HRW, p. 2. For the full text of the UPR recommendation, see A/HRC/17/7, para. 89.59 (Slovakia).
- 41 Alkarama, p. 4.
- 42 Alkarama, p. 4.
- 43 Alkarama, p. 5.
- 44 Alkarama, p. 5.
- 45 HRW, pp. 1 and 2; JS1, pp. 3 - 4 and 6 - 8; FLD, pp. 1 - 3; ISHR, p. 1 and 2; STP, pp. 1 and 2.
- 46 Alkarama, p. 5.
- 47 HRW, p. 5; JS1, p. 9; FLD, p. 7.
- 48 Alkarama, p. 5.
- 49 JS1, pp. 7 and 8; HRW, p. 3; STP, p. 2.
- 50 Alkarama, p. 5.
- 51 JS1, p. 10; HRW, p. 5.
- 52 JS1, p. 10.
- 53 Alkarama, p. 5.
- 54 FLD, pp. 1 and 2.
- 55 Alkarama, p. 6.
- 56 Alkarama, p. 6.
- 57 FLD, p. 7.
- 58 HRW, p. 5.
- 59 NHRCO, pp. 8, 12 and 13.
- 60 FLD, p. 3.
- 61 FLD, p. 3.
- 62 Alkarama, p. 6.
- 63 Alkarama, p. 6.
- 64 HRW, pp. 1 - 4; ISHR, pp. 1 and 2.
- 65 Alkarama, p. 6.
- 66 FLD, p. 7; HRW, p. 5; ISHR, p. 2.
- 67 FLD, pp. 3 - 5; HRW, p. 1; ISHR, p. 2.
- 68 ISHR, p. 2.
- 69 Alkarama, p. 7.
- 70 Alkarama, p. 7.
- 71 JS1, p. 4; HRW, p. 4.
- 72 HRW, p. 4.
- 73 Alkarama, p. 7.
- 74 HRW, p. 5.
- 75 NHRCO, p. 11.
- 76 NHRCO, p. 14.
- 77 NHRCO, p. 9.
- 78 HRW, p. 4. For the full text of the UPR recommendation, see A/HRC/17/7, para. 89.67 (Slovakia).
- 79 HRW, p. 4.
- 80 HRW, p. 4.
- 81 HRW, p. 4.
- 82 HRW, p. 4.
- 83 HRW, p. 5.
- 84 NHRCO, p. 15.

<sup>85</sup> Alkarama, p. 7.

<sup>86</sup> Alkarama, p. 7.

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