



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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8 October 2021

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Sultanate of Oman and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in January 2021.

As the final outcome report on the review of Oman has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Oman – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 99 delegations and the presentation made and responses provided by the delegation of Oman. I have also considered the actions taken by the Government of Oman to implement the 169 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome Oman's cooperation with the international human rights mechanisms, and the accession to additional core international human rights treaties and its withdrawal of reservations to certain treaties. I encourage Oman to continue this collaboration and advance in the accession of the remaining treaties.

I encourage Oman to take all the necessary measures to guarantee the right to freedom of expression, assembly and association, including by amending the Penal Code, the Press and Publications Law and the Telecommunications Regulatory Act, and ensure that they are compatible and consistent with the international norms and standards. In this context, it is important to refrain from criminalizing dissenting opinions from those of the Government and to end the detention of people for exercising their freedom of opinion and expression. I also urge Oman to create an enabling environment for civil society organizations.

I appreciate the efforts made towards the advancement of women's rights and the political and economic empowerment of women. I encourage Oman to step up its efforts to promote equality between women and men. I call on Oman to fully eliminate discrimination against women in law and in practice, including concerning rights in marriage, divorce, inheritance and transmitting nationality onto their children and foreign spouses. I urge Oman to take the necessary measures to effectively address sexual and gender-based violence against women.

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H.E. Mr. Badr bin Hamad bin Hamood Al-BUSAIDI
Foreign Minister
Sultanate of Oman

I welcome Oman's efforts to improve migrant workers' rights, including through cooperation with countries of origin. I encourage Oman to continue its efforts for the protection of the rights of migrants, including women domestic workers, and to ensure their access to remedies, and ensure access to justice for everyone. I also appreciate the advances made in the fight against human trafficking and urge Oman to redouble its efforts in this area, intensify investigations and prosecute those responsible, as well as to increase assistance to victims and afford them adequate remedies.

I encourage Oman to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

I also encourage Oman to pursue its efforts to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Oman to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Oman in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Abdullah bin Mohamed bin Said AL-SA'EEDI
Minister of Justice and Legal Affairs
Sultanate of Oman

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Acceding to the remaining core international human rights instruments and the optional protocols, including the International Covenant on Civil and Political Rights and its two optional protocols, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Withdrawing all remaining reservations to international human rights instruments, including to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

A. Cross-cutting issues

Equality and non-discrimination

- Adopting a comprehensive legislation, including a complete definition of racial discrimination, and ensuring its compatibility with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.
- Revising national legislation to extend the application of fundamental freedom to non-citizens.
- Investigating effectively cases of racial discrimination and providing victims with adequate remedies, and ensuring access to justice for everyone, in particular vulnerable groups, including migrant workers and minority groups.
- Revising the constitutional provision prohibiting discrimination on grounds of sex with a view to adjusting this definition in conformity with the Convention on the Elimination of All Forms of Discrimination against Women, which prohibits direct and indirect discrimination in the public and private.
- Decriminalizing consensual sexual relations of the same sex and expanding its anti-discrimination legislation to include prohibition of discrimination on the basis of sexual orientation and gender identity.

Development, the environment, and business and human rights

- Pursuing efforts made to achieve the 2030 Sustainable Development Goals, especially those related to human rights, and ensuring that women's organizations participate in the planning and implementation of national strategies to achieve the Sustainable Development Goals.
- Redoubling efforts to develop and strengthen the legislative framework to address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks.

Human rights and counter-terrorism

- Continuing to adopt and effectively implement laws related to combating terrorism, in compliance with human rights law.

B. Civil and political rights

Right to life, liberty and security of person

- Abolishing the death penalty and, in the interim, establishing a moratorium on imposing and carrying out death penalties.
- Repealing all legislation that authorize institutionalization without the free and informed consent of the person concerned and all laws that allow for the deprivation of liberty on the basis of impairment, and adopting measures to ensure the rights of persons deprived of their liberty in all mental health facilities and to improve the quality of care.

Administration of justice, including impunity, and the rule of law

- Reviewing the legislative framework and taking measures to protect the full independence and impartiality of the judiciary.
- Ensuring the effectiveness of the administration of justice and access to justice and remedies to all, including vulnerable groups.

Fundamental freedoms

- Protecting journalists and human rights defenders from acts of violence and intimidation and immediately releasing those unlawfully arrested.
- Creating a safe and enabling environment for civil society, including by lifting all existing restrictions on freedom of expression, association and assembly, and reviewing and amending legislation governing them in compliance with international human rights law.

Right to privacy and family life

- Abolishing all provisions that discriminate against women and have a negative impact on their children, such as those that allow polygamy and repudiation, and ending the practice of dowry and the guardianship system.
- Revising all provisions of the Personal Status Law that discriminate against women within a specific time frame, with a view to gradually removing them; ensuring equal rights between men and women regarding marriage and divorce; intensifying efforts to enable women and girls to exercise their right to inheritance on an equal basis with their male counterparts; and enacting legislation to ensure that, upon the dissolution of marriage, women have equal rights to property acquired during marriage.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Ensuring the protection by law of the labour rights of all workers, including domestic migrant workers.

- Amending the Penal Code to criminalize forced labour; strictly enforcing the prohibition of passport confiscation; and ensuring regular labour inspections at the workplaces and dormitories of women migrant workers.

Right to an adequate standard of living

- Intensifying efforts to provide appropriate assistance to parents and legal guardians in situations of poverty, including by strengthening the system of family benefits, child allowances and other services.

Right to health

- Continuing efforts aimed at advancing the right to health, including through the provision of comprehensive health care and of comprehensive sexual and reproductive health services, the allocation of adequate financial and human resources to the health sector, and the strengthening of the quality of available mental health, including in the context of the COVID-19 pandemic.
- Amending the Penal Code to legalize abortion in cases of rape, incest and severe impairment of the foetus and decriminalizing it in all other cases, and increasing access for women to safe abortion and post-abortion care services.

Right to education

- Improving the accessibility and quality of education for all children, including those in a vulnerable situation and children with disabilities, and reducing the school dropout rate.
- Addressing the disproportionately high illiteracy and dropout rates among girls, especially nomadic and migrant girls, girls with disabilities and girls living in rural areas and in poverty; reviewing curricula and textbooks at all levels of education to eliminate discriminatory stereotypes on the roles of women; and promoting and encouraging vocational training for women and girls.

D. Rights of specific persons or groups

Women

- Promoting and protecting the rights of women and girls, including through the amendment and effective implementation of legislation to eliminate and criminalize all forms of discrimination and violence against women and girls, including domestic violence and marital rape, and ensuring the prosecution of perpetrators of these crimes, including those committed in the name of so-called “honour”.
- Redoubling efforts to eliminate female genital mutilation.
- Enhancing the participation of women in the public sphere and closing the gender gap in leadership positions.

Children

- Stepping up efforts to combat and eliminate child and forced labour and all other forms of child exploitation.
- Increasing protection of children against any form of violence and abuse.



- Raising the age of voluntary recruitment into the national armed forces to 18 years.
- Amending the Child Act to explicitly prohibit corporal punishment in all settings, repealing article 44 (1) of the Penal Code of 2018 (previously article 38 (2)) and promoting positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.

Persons with disabilities

- Ensuring that legislation, policies and practices on persons with disabilities are in full compliance with the Convention on the Rights of Persons with Disabilities and undertaking a comprehensive legislative and policy review in order to adopt, ensure and enforce the prohibition of discrimination on the basis of disability and to ensure that derogatory terminology is eliminated from all laws, policies and government discourse.

Migrants

- Revising immigration laws and policies to protect the rights of migrants, in accordance with international human rights standards, and continuing efforts to end the kafalah employment sponsorship system, and, in this context, ratifying the International Labour Organization Domestic Workers Convention No.189).

Stateless persons

- Ensuring that the Government cannot revoke the citizenship rights of persons who exercise their fundamental rights with a view to preventing statelessness.
- Reviewing the legislation on nationality and removing all discriminatory provisions to ensure that nationality can be transmitted to children through the maternal line of Omani women married to non-Omani citizens.