**Maat for Peace’s Report on** **the Sultanate of Oman (Midterm Report- July 2023)**

**Background**

Oman’s human rights record was reviewed three times under Universal Periodic Review (UPR) mechanism; in January 2011, November 2015 and January 2021, respectively.

Despite Oman's acceptance of a number of recommendations in the last review, including the recommendation to ratify the International Covenant on Civil and Political Rights (ICCPR), it refused to accept the recommendations on abolishing the death penalty, amending legislation related to basic freedoms, as well as withdrawing the reservations made to the previously ratified human rights. Accordingly, **Maat for Peace, Development and Human Rights** reviews Oman’s stance on the recommendations presented to it during the UPR 3rd cycle, the extent of progress made about the scope of Oman’s international obligations and cooperation with human rights mechanisms, the national human rights framework, the positive developments, the challenges and concerns related to civil and political rights as well as migrant workers’ rights, in addition to Maat’s reform recommendations that we hope the Omani government would consider and implement, two years after its last review.

**First: Scope of International Obligations and Cooperation with Human Rights Mechanisms**

The Basic Statute of Oman - the Omani Constitution[[1]](#footnote-1) - stipulates in Articles (72, 76, 80) that international treaties and agreements are considered part of the state Laws and shall have the force of Law only after ratification, and that no authority in the State shall issue regulations, by-laws, decisions, or directives that contradict the provisions of the Laws and decrees in force, or international treaties and agreements which are part of the Law of the Country. In response to the recommendations made in the UPR 2nd cycle, in January 2019, Oman withdrew, in January 2019, its reservations on Article 15(4) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Besides, in June 2020, Oman ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the “Torture Convention”), the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and the International Covenant on Economic, Social and Cultural Rights (ICESCR)[[2]](#footnote-2).

In a related context, during the UPR 3rd cycle, Oman received more than **30 recommendations** calling for ratification of remaining international human rights conventions and optional protocols to which Oman has not yet acceded, including the ICCPR with its First and Second Optional Protocols; the Optional Protocol to the ICESCR; the Optional Protocol to the CEDAW; the Optional Protocol to the Torture Convention; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMWR), the International Labor Organization (ILO) Domestic Workers Convention (No. 189), and the Rome Statute of the International Criminal Court. Oman has only approved the recommendation related to the ratification of the ICCPR and took note only of the remaining ones related to the ratification of the other conventions and optional protocols. Oman also took note of withdrawing its reservations to the CEDAW, the ICPPED, the ICESCR, and the Convention against Torture[[3]](#footnote-3).

However, Oman has not joined the international conventions and optional protocols mentioned above to date, and has not Sultanate has not yet canceled its remaining reservations to the Convention on the CEDAW, which is necessary to ensure gender equality and promote women's empowerment in society, and also has not canceled reservations to the Convention on the Rights of the Child (CRC) and its Optional Protocols, the Torture Convention, the ICPPED, and the ICESCR, including the right of committees established under some of these conventions to conduct visits, report allegations and arbitration[[4]](#footnote-4).

We also noted - after excluding the agreements to which Oman has acceded - that the Sultanate of Oman has not yet acceded to several other international agreements, such as the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), the basic ILO Cs 77, 98 and 100, and the ILO C 190 on the Elimination of Violence and Harassment in the World of Work. Oman has not also acceded to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on Reduction of Statelessness, and the Convention against Discrimination in Education[[5]](#footnote-5).

With regard to the cooperation with international mechanisms and special procedures, Oman took note of the recommendation to issue a standing invitation to all mandate-holders within the framework of the special procedures of the Human Rights Council and supported intensifying cooperation with international human rights mechanisms, but in fact, we have concerns about Oman’s failure to cooperate effectively and fully with UN human rights mechanisms. We have noted that Special procedures mandate-holders have not made any visits to Oman since September 2014, and that visit requests have not been approved since Oman’s 2nd review, when the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance sent a request for visit in the 2nd half of 2018. In a similar case, the Special Rapporteur on freedom of religion or belief sent a request for a visit in 2021, but has not received an answer to date. The Sultanate of Oman, on its part, has sent no invitations to any of the special rapporteurs to conduct visits[[6]](#footnote-6).

**Recommendations:**

* The need to consider the ratification of all pending human rights conventions, as well as the optional protocols attached thereto, which are; (1) The ICCPR, (2) The First and Second Optional Protocols to the ICCPR, (3) The Optional Protocol to the ICESCR, (4) The Optional Protocol to the Convention on the CEDAW, (5) Optional Protocol to Torture Convention, (6) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (7) ILO Domestic Workers Convention (No. 189), (8) Rome Statute of the International Criminal Court, (9) basic ILO Cs 77, 98 and 100, (11) the ILO C 190 on the Elimination of Violence and Harassment in the World of Work, (12) the Convention on the Status of Stateless Persons (1954), (13) the Convention on the Reduction of Statelessness (1961), and (14) Convention against Discrimination in Education.
* The need to withdraw all reservations made by Oman to conventions that it has acceded to, especially the CEDAW, the CRC and its Optional Protocols, and the Convention against Torture; since such reservations are inconsistent with the object and basic purpose of the relevant conventions.
* Issuing standing invitations to all Special procedures mandate-holders, as well as intensifying and ensuring full cooperation with international mechanisms concerned with human rights.
* Strengthening local legislation within the framework of international agreements and treaties to which Oman is a party.

**Second: Human Rights National Framework**

Despite Oman’s acceptance of the recommendations made to it during its UPR 3rd cycle on the implementation of measures to strengthen the Human Rights National Institution and ensure the compliance of Oman Human Rights Commission to the Paris Principles, as well as the issuance of Royal Decree No. 57/2022 on the reorganization of Oman Human Rights Commission, which provided, in article 4 thereof, for the cancellation of Royal Decree No. 124/2008 on the establishment of Oman Human Rights Commission and defining its terms of reference. However, Oman Human Rights Commission is not fully independent from the state’s executive authority, even after the issuance of the new royal decree in 2022, especially in terms of the matters related to the mandate of the Commission and the system of appointing members. Members of the Commission are only appointed by a royal decree, for a four-year term renewable once[[7]](#footnote-7). It should be noted that after reviewing the annual reports published on the website of the Oman Human Rights Commission, we found that it contains limited governmental information, which uncovers various structural and functional shortcomings that limit the effectiveness of its tasks, which are focused on protecting and promoting human rights in Oman[[8]](#footnote-8).

**Recommendations**:

* Ensuring that Oman Committee for Human Rights complies with the principles related to the Paris Principles Requirements for NHRIs.

**Third: Civil & Political Rights**

1. **Individual's right to life, liberty, and security of person**

The Sultanate of Oman has not acceded to the ICCPR and its two Optional Protocols despite agreeing on joining the Covenant and has taken note of its two Optional Protocols. Oman has also taken note of the recommendations aimed at abolishing the death penalty (four recommendations) presented during the UPR 3rd cycle of the Sultanate of Oman in 2021. Despite not acceding to the Covenant, and justifying the application of the death penalty by its existence in domestic legislation that overrides international principles and human rights as well as the existence of guarantees that make its application possible, within limits, we are concerned about the large number of crimes punished by death penalty in Oman, which amounts to (10) crimes. The articles of the Omani Penal Code included more than 20 articles that provide for the death penalty[[9]](#footnote-9); although executions were suspended for a period, it was resumed in 2020, when four people on death row were executed to the Death Penalty Worldwide Database[[10]](#footnote-10).

Concerning the crime of torture and other forms of cruel, inhuman, or degrading treatment or punishment, the Basic Law of the Sultanate of Oman - the Omani constitution[[11]](#footnote-11) - stipulates in Article (20) that “no person shall be subjected to physical or moral torture, temptation, or degrading treatment” and whoever commits these violations shall be punished by law. Accounts and confessions and statements will be deemed null and void if it can be established that they were extracted by using force, torture, or threats thereof. However, the definition of torture contained in national legislation is not consistent with the provisions of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, especially Article (1). In addition, the punishment for torture cases in the Omani legislation does not commensurate with the gravity of the crime, under Article 4(2) of the Convention against Torture, in addition to the difficulty of accessing reliable local information about torture operations inside the Sultanate. Article (116) of the Penal Code punishes anyone who participates in any way in the work of an entity that does what is described as being contrary to the principles of the state or seeks to communicate with foreign entities against the country. Therefore, torture survivors are afraid to talk about their suffering with individuals or organizations at home or abroad for fear of legal accountability[[12]](#footnote-12).

In a related context, there are many legal provisions in the legislation regulating the work of prisons, known as the "Prisons Law" promulgated by Royal Decree No. 48/98; which establishes penalties for prison inmates, such as solitary confinement and other disciplinary penalties such as deprivation of wages and privileges for a certain period, and food rationing for more than three weeks. Unfortunately, since 1998, the articles of the Prisons Law have not been reviewed or amended to comply with international human rights standards. In addition, the arbitrary amendment to the law in 2019 stated that the prison administration could prevent the right of litigation for prisoners who have been subjected to discrimination, abuse, or harassment from the prison administration. The courts could consider these cases before this amendment, and according to the Code of Criminal Procedure, the accused may be imprisoned for up to six months. The law also contains articles permitting the renewal of pre-trial detention, which is long. In addition to some few documented individual cases - the most recent of which ends in 2020 - which indicate that they were subjected to kinds of ill-treatment in prisons, such as solitary confinement, insults, deprivation of visits, coercion to sign pledges as a condition for the release of the accused, psychological torture, and the threat of imprisoning relatives[[13]](#footnote-13).

1. **Basic freedoms and the** **right to participate in the public and political sphere**

During its UPR 3rd cycle, the Sultanate of Oman received about **17 recommendations** regarding the promotion of the right to freedom of expression and protection. Oman accepted the recommendations calling for the promotion of the right to freedom of opinion and expression, and took note of the ones calling for reviewing or amending its Penal Code, the Press and Publications Law, the Communications Regulation Law of 2002, and the Cybercrime Law of 2011, to be consistent with international human rights standards. The Penal Code and its amendments, issued by Royal Decree No. 7/2018, under the name "Penal Code," contain some vaguely-worded articles that may be used by the authorities to restrict citizens’ freedom of opinion and expression, as well as activists, human rights defenders, and journalists. Article No. (97) of the law stipulates that “whoever commits, publicly or by publishing, an attack on the rights and authority of the Sultan or insults him in person, shall be punished with imprisonment for no less than three years and no more than seven years.” This article is used against the opposition or those who criticize government policies. Article (102) of the same law provides for the punishment of imprisonment for anyone who criticizes the president/representative of a foreign country; Article (108) also stipulates imprisonment for no less than three years and no more than ten years for anyone who promotes incitement to racial strife or religious or sectarian strife. Likewise, Article (115) punishes with imprisonment for no less than three months and no more than three years whoever publishes or broadcasts news or data that undermines the state's prestige[[14]](#footnote-14).

In the same context, we are concerned by the issuance of Royal Decree 68/2022 Amending Some Provisions of the Penal Law in October 2022, as Article (97) was amended to include penalties for those who criticize the Sultan, his wife, crown prince, and children, which can be used to limit freedom of opinion and expression and to prevent criticism of the ruling authority and their families[[15]](#footnote-15). According to the new amendment to Article 97 of the Omani Penal Law: “Whoever commits, publicly or through publication, a challenge to the rights of the Sultan, His prerogatives, or disgraces His person, shall be punished by imprisonment for a period no less than 3 years and not exceeding 7 years. The same penalty shall also be imposed on whoever publishes insults against Sultan’s wife, his prerogatives, and his children, or disgrace them.” We are deeply concerned about the use of these texts and what is similar to them that restrict freedoms to take revenge on people for expressing their opinions and enjoying their right to freedom of opinion and expression. In February 2022, the Omani security forces arrested "A.M.R" and detained him for four days after he posted comments on social media deemed critical of the ruling family. In December 2022, the Internal Security Agency reportedly kidnapped online activist M.A.A. and held him incommunicado for social media posts criticizing the government[[16]](#footnote-16).

In addition, Article (61) of the Communications Regulatory Law of 2002 stipulates that “any person who sends through a communications system a message that violates public order or morals, or that is incorrect while knowing that, or that aims to disturb others, shall be punished with imprisonment for a term of no more than one year, and a fine not exceeding one thousand Omani riyals or one of these two penalties, and the penalty is doubled in case of repetition[[17]](#footnote-17). Also, Article No. (19) of the Law of Cybercrime stipulates that “whoever uses the information network or information technology means to produce, publish, distribute, purchase, or possess anything that may or involves prejudice to religious values or public order shall be punished with imprisonment for no less than one month and no more than three years, and a fine of no less than one thousand Omani riyals and no more than three thousand Omani riyals, or one of these two penalties[[18]](#footnote-18). In addition to Articles No. (25, 26, 27, and 28) of the Press and Publications Law which restricts the publication of materials that might prejudice the state's safety, internal or external security, public morals, or religious values. All of these articles restrict, in their entirety, the right to freedom of opinion and expression, and they are vaguely worded to restrict civil space, suspend the work of some journalists or arrest them, shut down certain newspapers, and withdraw or suspend media licenses[[19]](#footnote-19).

Concerning the right to freedom of peaceful assembly and association, the Sultanate of Oman received during its UPR 3rd cycle in 2021 (14) recommendations regarding the protection of the right to freedom of peaceful assembly and association. Although Oman has accepted these recommendations[[20]](#footnote-20), this right remains restricted under the Omani Penal Code. Article (121) of the Penal Code states that “a punishment of imprisonment for a period of no less than (3) three months and not exceeding a year, and a fine of no less than (100) one hundred Omani riyals and not exceeding (500) five hundred riyals Omani, or one one of these two penalties, shall be imposed on those who participate in public gathering consisting of (10) persons or more, provided that this gathering would jeopardize security or threaten public order, or in case he refuses or fails to disperse when ordered to do so by an order from competent authorities. If the crowd used violence, whoever incited or participated in it shall be punished by imprisonment for a period of no less than (6) six months and not exceeding (3) three years and a fine of no less than (300) three hundred Omani Riyals and not exceeding (1000) one thousand Omani Riyals; or one of these two penalties. In addition to Articles (116) and (270) stipulate severe penalties for individuals who establish or work with associations or organizations that seek to “challenge the political, economic, social, or security principles of the state” or “undermine the foundations of the Islamic religion”.Such articles are used to eliminate the independent civil space, and they are also used to limit the work of activists and human rights defenders in the Sultanate of Oman[[21]](#footnote-21).

**Recommendations:**

* The need to end the execution of death sentences, and to replace the existing death sentences with other mitigating sentences such as life imprisonment, and punitive labor, among others; to gradually abolish the death sentence, and in the meantime, ensure that the death penalty is only imposed under the category of “most serious crimes” and after conducting trials that fully comply with international fair trial standards.
* The need to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death sentence.
* The importance of joining the Additional Optional Protocol to the Convention against Torture (OPCAT).
* Amending national legislation and redefining torture, in line with the text of Article (1) of the CAT.
* Ensuring that torture is criminalized in national legislation and that its punishment is commensurate with the gravity of the crime, by the provisions of Article 4(2) of the CAT.
* Providing a legislative framework allowing victims of torture to report their complaints to the concerned authorities without fear of security prosecution.
* The need to amend or amend articles of the Prisons Act; to ensure its consistency with international human rights standards.
* The need to allow international mechanisms related to the prevention and prohibition of torture in places of detention and prisons to visit detention facilities in the Sultanate.
* Ensuring and promoting the right to freedom of opinion and expression and the right to peaceful assembly and association, in line with international human rights standards and covenants.
* The need to review or amend the Penal Code, the Press and Publications Law, the Communications Regulatory Act of 2002, and the Anti-Cybercrime Law of 2011, to bring them in line with international standards related to the right to freedom of opinion, expression, peaceful assembly, and association.
* Ensuring that more legislative and policy measures are available to create an enabling environment and a broader scope for the work of civil society organizations.

**Fourth: the rights of migrant workers**

During its UPR 3rd cycle in 2021, the Sultanate of Oman received about 37 recommendations on the promotion and protection of the rights of migrant workers and accepted them all. However, it took note of the recommendation to amend the Labor Code to extend protections such as minimum wages and maximum working hours to domestic workers. The Sultanate of Oman justified this by the fact that a regulation will be adopted for domestic workers that ensures all their rights and that the no-objection certificate document has already been canceled in June 2020, under Resolution No. 157/2020, amending the provisions of the executive regulations of the Foreigners’ Residence Law[[22]](#footnote-22). It is a positive step that allows the foreign worker to leave his current job and work with a new employer. We, also, welcome Oman’s approach to signing memorandums of cooperation and understanding with labor-sending countries in a way that enhances the protection of workers and guarantees their rights. However, we have concerns about the continuation of the kafala system in Oman and the failure to accede to the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990. In addition, Oman did not include labor rights in its national legislation. There is no legal text punishing employers who violate the rights of migrant workers[[23]](#footnote-23).

In the same context, migrant workers still face grave violations in the Sultanate, forced labor, physical, psychological, and sexual abuse, wage theft, and excessive work. All this is even exacerbated by the confiscation of passports in some cases, arrest, restricted communications, and in some cases, deprivation of food and inhumane living conditions. We also have concerns about the nonexistence of any results of serious investigations opened into the incident of April 2022, when Oman’s Public Authority For Civil Defence And Ambulance announced digging out 14 bodies of foreign workers and saving five others injured following a rockslide in Wilayat Ibri, Al Dhahirah Governorate, northwest of Oman while working in the extraction of various materials and minerals[[24]](#footnote-24).

Domestic workers, especially African workers, are also subjected to trafficking, slavery, and violence. According to reliable reports, 78% of Sierra Leonean domestic workers are employed in the Sultanate of Oman through fraud and they work between 16 and 20 hours a day, 99% don’t get any days off, 91% can’t move freely, 77% suffer from discrimination, 60% do not receive wages, 57% are subjected to forms of physical violence, and about 27% are subjected to sexual violence. In addition, the Liberian female workers in the Sultanate are detained by their employers in a situation akin to slavery and akin to human trafficking. In addition, Oman does not respond or comment on allegations of violations of the rights of migrant workers[[25]](#footnote-25).

**Recommendations:**

* Joining the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.
* Considering accession to the ILO Domestic Workers Convention (No. 189), the basic ILO Cs 77, 98, and 100, and the ILO C 190 on the Elimination of Violence and Harassment in the World of Work.
* Ensuring that the labor rights of expatriate workers are included in a legislative framework for the rights of migrant workers; to ensure that migrant workers obtain their rights and that employers do not violate their rights.
* Providing more legislative and practical guarantees which protect migrant workers, especially domestic workers.
* Opening serious and independent investigation into allegations of grave violations against migrant workers, especially the death of 14 migrant workers in the Wilayat of Ibri in Al-Zahir Governorate.
1. The Omani constitution, all articles can be accessed through the link: <https://cutt.us/QdPEy> [↑](#footnote-ref-1)
2. Oman, UPR, National Report, A/HRC/WG.6/37/OMN/, Jan 2021. <https://cutt.us/YS9OM> [↑](#footnote-ref-2)
3. Oman, UPR, Report of the Working group (final) , A/HRC/47/11 , Jan 2021. <https://cutt.us/YS9OM> [↑](#footnote-ref-3)
4. HM The Sultan Issues Five Royal Decrees, Oman News Agency, Available at: <https://cutt.us/lAPqx> [↑](#footnote-ref-4)
5. Category:Treaties of Oman, Wikipedia, Available at: https://cutt.us/XIOdd And: Oman, UPR, Summary of other stakeholders information, And: Civil society and other submissions, Available at: <https://cutt.us/YS9OM> [↑](#footnote-ref-5)
6. View Country visits of Special Procedures of the Human Rights Council since 1998, Oman, Available at: <https://cutt.us/q75fC> [↑](#footnote-ref-6)
7. 7 Royal Decree No. 57/2022 to reorganize the Omani Commission for Human Rights, law, available at the following link: <https://cutt.us/jIQeo> [↑](#footnote-ref-7)
8. To view the history of the committee's establishment, its terms of reference, committee members, reports and publications, it is available on the following link: <https://www.ohrc.om/> [↑](#footnote-ref-8)
9. 10 Crimes carrying the death penalty in the Sultanate, Al-Mirsal, April 6, 2023.<https://cutt.us/Nbj4l> [↑](#footnote-ref-9)
10. Sultanate of Oman (Oman), Death Penalty World Wide, was last updated on December 1, 2021, Available at: <https://cutt.us/vHxto> [↑](#footnote-ref-10)
11. The Omani constitution, to view all articles of the constitution, is available through the following link: <https://cutt.us/QdPEy> [↑](#footnote-ref-11)
12. Report .. Torture in the Sultanate of Oman, denial of freedoms and suppression of human rights activists, Omani Society for Human Rights, in cooperation with the Gulf Center for Human Rights, with the support of the European Union, August 2021.<https://cutt.us/oq6rG> [↑](#footnote-ref-12)
13. Ibi. [↑](#footnote-ref-13)
14. The Omani Penal Code, Royal Decree No. 7/2018 promulgating the Penal Code, a law, to view all texts of the law, available through the following link:<https://cutt.us/j7ln3> [↑](#footnote-ref-14)
15. Royal Decree No. 68/2022 amending some provisions of the Penal Code, law, available at the following link:<https://cutt.us/AHdo1> [↑](#footnote-ref-15)
16. Oman. Freedom in the World 2023, Available at: <https://cutt.us/VAG8Q>

And: 2022 Country Reports on Human Rights Practices: Oman, U.S Department of State, Available at: <https://cutt.us/BU7Tz> [↑](#footnote-ref-16)
17. Royal Decree No. 30/2002 promulgating the Telecommunications Regulatory Law, Law, available at the following link:<https://cutt.us/9NvjG> [↑](#footnote-ref-17)
18. Royal Decree No. 12/2011 issuing the Law on Combating Information Technology Crimes, law, available at the following link:<https://cutt.us/7t707> [↑](#footnote-ref-18)
19. Royal Decree No. 49/84 promulgating the Press and Publication Law, Law, available at the following link:<https://cutt.us/g6yca> [↑](#footnote-ref-19)
20. Oman, UPR, Adoption in the Plenary session, A/HRC/47/11, Available at: <https://cutt.us/9gYN6> [↑](#footnote-ref-20)
21. Royal Decree No. 7/2018 issuing the Penal Code, available through the following link:<https://cutt.us/j7ln3>،

Also: The new Omani Penal Code violates human rights!, The Omani Center for Human Rights, July 19, 2021. <https://cutt.us/qFI0c> [↑](#footnote-ref-21)
22. Oman, UPR, Adoption in the Plenary session, A/HRC/47/11, Available at: <https://cutt.us/9gYN6> [↑](#footnote-ref-22)
23. A critical reading of the rights of expatriate workers in Oman, Advocate Net, May 24, 2023.<https://cutt.us/ZSXYj> [↑](#footnote-ref-23)
24. The Sultanate of Oman announces the recovery of the bodies of 14 people from under the rocks of Ibri, Sharq, April 2, 2022 / Updated April 3, 2022.<https://cutt.us/3PPFK> [↑](#footnote-ref-24)
25. African workers in the Sultanate of Oman are subjected to trafficking, enslavement and violence, according to a human rights organization, Swissinfo, September 7, 2022. <https://cutt.us/X4msC> [↑](#footnote-ref-25)