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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review

Oman

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review***

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

Response of Oman to the recommendations under consideration

Accepted: Oman will continue to examine the International Covenant on Civil and Political Rights with a view to signing and ratifying it and will consider the provisions to which reservations need to be entered or which may call for the harmonization of certain national legislation in accordance with international norms and the exigencies of the development and modernization process in Oman.

Recommendation 90.2

Accepted: Oman will continue to explore the possibility of acceding to the International Covenant on Economic, Social and Cultural Rights in accordance with international norms and the exigencies of development and modernization process in Oman.

Recommendations 90.3–90.6

Accepted: As explained in connection with recommendations 90.1 and 90.2.

Recommendation 90.7

Rejected: Oman accepted the recommendations inviting it to consider acceding to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Its rejection of this recommendation is based upon its approach of prioritizing accession to the two covenants and subsequently giving consideration to their optional protocols.

Recommendation 90.8

Accepted: As explained in connection with recommendations 90.1 and 90.2.

Recommendation 90.9

Rejected: Oman accepted the recommendations inviting it to consider acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The International Labour Organization (ILO) Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) and the ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949 (No. 98) are currently being researched and examined by the competent bodies in Oman. The recommendation was rejected in order to allow all the parties concerned to complete a study of all aspects of the two conventions.

Recommendation 90.10

Rejected: There are over 150 ILO conventions, several of which address situations that do not exist in Oman. It is for this reason that Oman cannot accede to all these conventions and therefore rejects this recommendation. However, Oman could consider acceding to a

number of ILO conventions that are relevant given its interests, circumstances and the nature of its developmental, cultural and social infrastructure, that meet and respond to the requirements of its current situation and policies on development and modernization.

Recommendation 90.11

Accepted: Oman will continue to examine the Convention against Torture with a view to acceding to it and will consider the provisions to which reservations may need to be entered or which may call for the harmonization of certain national legislation in accordance with the exigencies of the developments and modernization process in Oman and related policies.

Recommendation 90.12

Accepted: As explained in connection with recommendation 90.11.

Recommendation 90.13

Rejected: The State's rejection of this recommendation does not necessarily indicate a rejection of the treaties mentioned therein. Oman has accepted several recommendations inviting it to accede to certain treaties, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. However, this recommendation mentions several treaties and protocols collectively, and Oman cannot adopt a uniform stance with regard to the acceptance or rejection of all these treaties.

Recommendation 90.14

Rejected: Oman has agreed to consider acceding to all the treaties mentioned in this recommendation. Its rejection of the recommendation is based upon its reservations concerning accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, because there are no migrants in Oman. Moreover, the rights of all Omani citizens are guaranteed without discrimination based on race, colour or religion. Hence, Oman considers the Convention to be inapplicable to it given the nature of its population, which is composed of Omani citizens and of foreigners who come to Oman to work on temporary employment contracts in accordance with the Oman Labour Act.

Recommendation 90.15

Rejected: The rights of women and children are guaranteed under the Basic Law of Oman and the legislation that is currently in force in the country. Oman continually strives to improve these rights. Indeed, it has joined the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. However, Oman cannot agree to accede to the Optional Protocol to the Committee on the Elimination of Discrimination against Women, as was explained in connection with recommendation 90.11.

Recommendation 90.16

Accepted: Oman will consider acceding to the remaining core international human rights instruments such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as explained above in connection with recommendations 90.1 and 90.2, the Convention against Torture, as explained above in connection with recommendation 90.11, and the International Convention for the Protection of All Persons from Enforced Disappearance, as explained in connection with recommendation 90.8. Oman will also review its reservations concerning the Committee on the Elimination of Discrimination against Women with a view to withdrawing as many of them as possible, except for those concerning article 9.

Recommendation 90.17

Accepted: Oman accepts this recommendation; it is ready to review the reservations that were mentioned in the recommendation with a view to withdrawing as many of them as possible, except for those concerning article 9.

Recommendation 90.18

Accepted: Oman sees this recommendation as an invitation to consider the possibility of regularly reviewing its reservations on human rights treaties in order to make whatever adjustments to its position that it considers appropriate in the light of new developments and changes, but without any prior commitment to withdrawing them. The fact that the State respects human rights and that the Omani people enjoy these rights is a tangible reality in Oman. It is in this context and in support of this principle that this recommendation is accepted.

Recommendation 90.19

Accepted: Freedom of opinion and of expression, whether spoken, written or by any other means, is guaranteed under the Basic Law of Oman. The legislation in force in Oman regulates these rights without impinging on them in such a way as may violate the Basic Law of Oman. The Sultanate therefore accepts this recommendation.

Recommendation 90.20

Accepted: The Human Rights Committee of Oman was established by Royal Decree No. 124/2008, reflecting the State's belief in the importance of establishing an independent human rights institution in Oman. The Paris Principles, as they relate to the participation of civil society organizations, were taken into consideration in the formation of the Committee and in the definition of its functions and its working procedures. Thus, the Committee comprises representatives from the Oman Chamber of Commerce and Industry, the General Union of Workers in Oman, non-governmental organizations, persons working in the legal field and representatives from governmental agencies. This configuration helps to strengthen compliance with the Paris Principles, which call for such committees to be independent and enjoin Government units to cooperate with them in the running of their affairs. The Committee has been assigned functions that guarantee compliance with the principles set out in the Paris Declaration on participation in the preparation of reports on human rights. The Committee also has a general mandate for all issues relating to human rights in Oman and a system whereby it is guaranteed allocations from the general State

budget. The National Committee held a workshop at the end of 2010, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), on the work of the national committees. One of the themes that the workshop addressed was meeting the requirements of the Paris Principles. The Government has also considered including the National Committee in the Omani delegation that will participate in the universal periodic review. This would allow it to monitor the proceedings until the official registration process has been completed by the Oman Accreditation Council and it will be able to participate in an independent capacity.

Recommendations 90.21–90.25

Accepted: As explained in recommendation 90.20.

Recommendation 90.26

Accepted: The Declaration on Human Right Defenders embodies the recognition by States Members of the United Nations that the ideals enshrined in the Universal Declaration of Human Rights cannot be translated into reality unless everyone participates in their realization and unless those who strive to promote them do so in a spirit of cooperation and of conscious, full and responsible understanding of and respect for diverse cultures.

Recommendation 90.27

Accepted: Oman welcomes visits conducted by all special procedures in compliance with the established procedures therefor and sees them as an opportunity to closely acquaint the mandate holders with the Omani legislative system, which guarantees the rights of everyone in Oman in accordance with the law, and to benefit from the expertise of the rapporteurs in order to improve the legislative system.

Recommendations 90.28 and 90.29

Accepted: As explained in connection with recommendation 90.27.

Recommendation 90.30

Accepted: The international laws and treaties that Oman has acceded to, particularly the Committee on the Elimination of Discrimination against Women, guarantee women's rights as established under Omani law, which the State and individuals are committed to implementing.

Recommendation 90.31

Accepted: Oman ensures the systematic review of the Labour Code with a view to its development and amendment and the abrogation of any articles that discriminate against women. Oman therefore welcomes this part of the recommendation without making any prior commitment as to the results of the review. Regarding the section on the Personal Status Act, Oman would like to affirm that it does not contain anything that discriminates against women; its provisions are drawn from Islamic law, which forms the basis of legislation and does not discriminate against women.

Recommendations 90.32 and 90.33

Accepted: As explained in connection with recommendation 90.31 and the Sultanate's comments on the section concerning the Personal Status Act.

Recommendation 90.34

Amend its Nationality Act to grant women the legal right to transmit Omani citizenship to their children (United States of America).

Rejected: Despite its rejection of this recommendation, Oman has ensured that the Nationality Act guarantees every child the right to a nationality at birth. Therefore, there are no stateless persons, or *Bidun*, in Oman, because, under the procedures in place, children in Oman are treated as Omanis with regard to access to the services provided by the State.

Recommendation 90.35

Accepted: Oman accepts this recommendation because its Basic Law recognizes the principle of equality among citizens and prohibits gender discrimination. The legislation currently in force in Oman reflects this principle, and women are not subordinate to men in law. Several programmes have been launched to raise awareness of these principles and there is a desire to enhance these programmes.

Recommendation 90.36

Accepted: Domestic violence, sexual harassment and forced marriage are prohibited by the legislation currently in force in Oman and are classified as criminal offences under the Omani Criminal Code issued by Royal Decree No. 7/74. Moreover, the reference to the honour killing defence has been removed from the Omani Criminal Code. Therefore, the Sultanate accepts this recommendation.

Recommendation 90.37

Accepted: As explained in connection with recommendation 90.36.

Recommendation 90.38

Rejected: Article 252 of the Omani Penal Code was repealed. Article 109 states that if a pardonable excuse is provided, then the offender will be exempt from punishment, while a mitigating excuse will give rise to a lighter penalty. This article differentiates between offences that are exempt from punishment and those for which lighter penalties may be imposed. This article should not be considered on its own but rather in conjunction with articles 101, 111, 112, 113 and 114, which refer to mitigating excuses and factors and penalty increases. All these provisions embody general principles that can be found in all criminal codes and thus they cannot be annulled. However, the conditions on pardonable excuses and mitigating excuses contained in these provisions do not apply to cases of sexual violence.

Recommendation 90.39

Accepted: Acts of domestic violence against women and children are offences under the Omani Criminal Code issued by the Royal Decree No. 7/74. Those who have been subjected to violence can resort to the competent judicial authorities in order to bring proceedings against the perpetrator. More awareness campaigns on domestic violence and the gravity of the phenomenon could be launched in all the major languages. Therefore, Oman accepts this recommendation.

Recommendation 90.40

Accepted: The judicial system is independent and is not under the authority of the executive. The role of the Inspector General of Police and Customs in supervising the Public Prosecution Office is simply managerial and does not extend to the pursuit of judicial business by the public prosecution service. Nevertheless, Royal Decree No. 25/2011 was issued on the independence of the public prosecution service.

Recommendation 90.41

Accepted: The Juvenile Accountability Act promulgated by Royal Decree 30/2008 defines a “juvenile” as any boy or girl under the age of 18. The Act provides for the establishment of a juvenile court to deal with offences committed by juveniles. It also provides for the use of juvenile welfare and behavioural reform measures, tailored to the age of the juveniles concerned, which are designed to prepare juveniles for their reintegration as active members into society. It also provides for the establishment of an advice centre for juveniles at risk of delinquency and of an institution that is known as a juvenile offenders home. Therefore, juveniles under the age of 18 are not subject to criminal penalties but only to the correctional measures and treatment arrangements that are specified in the Act. Oman will also consider raising the minimum age of criminal responsibility.

Recommendation 90.42

Accepted: The Labour Act issued by Royal Decree No. 35/2003 ensures that the interests of workers and employers are protected in accordance with the Basic Law of Oman, regardless of whether the workers are Omani or not. The year 2006 was a turning point in the attempts by Oman to strike a balance between the rights and obligations of workers and employers. Royal decrees Nos. 74/2006 and 112/2006 were issued, introducing amendments relevant to several core issues and granting workers more rights, such as the right to establish trade unions under the direct supervision of the General Union of Workers. The members of these unions are afforded a degree of independence and the necessary protection to carry out their duties in full. Workers in Oman may exercise the right to hold peaceful strikes and the right to engage in collective bargaining in accordance with the law. In return, employers have the right to close their premises pursuant to Ministerial Decision No. 294/2006, which addresses this issue. Consequently, there is nothing to stop workers from exercising their rights as enshrined in law, and anyone who attempts to prevent them from doing so will be punished by the competent judicial authorities. Oman therefore accepts this recommendation.

Recommendation 90.43

Accepted: Despite the fact that the Civic Associations Act promulgated by Royal Decree No. 14/2000 assigns the Ministry of Social Development responsibility for registering civil society organizations, the Act does state that any refusal by the Ministry must be justified based on the reasons listed in article 11 of the Act. It also allows applicants denied permission to register a certain organization to file a complaint with the Minister within a month of the application being rejected. If the Minister then dismisses the complaint, the complainant can appeal against the Minister's decision to the Court of Administrative Justice, in its capacity as the independent legal authority designated under the Basic Law of Oman to consider the validity of administrative decisions and to ensure the flexibility and transparency of the procedure for registering civil society organizations. Several civil society organizations have been registered in Oman recently, and a new bill is currently being prepared on the regulation of civil society organizations, which will hopefully address some of the issues that have come to light as the current Act has been applied in practice. Oman therefore accepts this recommendation.

Recommendation 90.44

Accepted: Oman accepts this recommendation, because freedom of opinion and of expression, whether spoken, written or by any other means, is guaranteed under the Basic Law of Oman. The Press and Publications Act regulates this right in a way that guarantees a balance between freedom of opinion and expression on the one hand and the need to prevent breaches of individual rights and freedoms or of the Basic Law of Oman on the other. Therefore, even if article 21 of the Press and Publication Act promulgated by Royal Decree No. 49/84 states that publications that violate the Basic Law or that offend against public decency will be banned further to a decision of the Minister of Information, the parties concerned can still appeal to the Court of Administrative Justice against the decision, the Court being an independent legal authority with the power to consider the validity of the ministerial decision.

Recommendation 90.45

Rejected: Freedom of opinion and of expression, whether spoken, written or by any other means, is guaranteed under the Basic Law of Oman. However, in order to safeguard public order and public morals, it was necessary to develop penal provisions that criminalize certain acts related to publishing and advertising. Hence, the Press and Publications Act promulgated by Royal Decree No. 49/84 criminalizes violations of individual rights and freedoms, such as acts that give rise to hatred and strife, promote indecency or foment discord among citizens. Nevertheless, there is no cause for concern in this regard, since the penalties prescribed in both laws are normally imposed by the competent judicial authorities, the impartiality and integrity of which are guaranteed under the Basic Law of Oman and the laws that are currently in force. Moreover, a bill has been drawn up to amend the Press and Publications Act with a view to repealing the provisions on the use of custodial penalties. This would enhance freedom of expression and press freedom.

Recommendations 90.46–90.48

Rejected: As explained in connection with recommendation 90.45.

Recommendation 90.49

Accepted: Oman would like to clarify that freedom of opinion and expression is guaranteed by the Basic Law of Oman. The provisions of criminal law that classify certain acts related to publishing and advertising as offences were drawn up with the aim of safeguarding public order and public morals. On this basis, the Press and Publications Act promulgated by Royal Decree No. 49/84 criminalizes violations of individual rights and freedoms, such as acts that give rise to hatred and strife, promote indecency or foment discord among citizens. The Telecommunications Act promulgated by Royal Decree No. 30/2002 criminalizes the use of telecommunications equipment or facilities to cause harm to others or to send messages that violate public order norms and/or offend against public decency. Nevertheless, there is no cause for concern in this regard since the penalties prescribed in both laws are normally imposed by the competent judicial authorities, the impartiality and integrity of which are guaranteed under the Basic Law of Oman and the laws that are currently in force. Moreover, a bill has been drawn up to amend the Press and Publications Act with a view to repealing the provisions on the use of custodial penalties.

Recommendation 90.50

Accepted: The rights and obligations of domestic workers were regulated under Ministry of Manpower Decree No. 189/2004 on special terms and conditions for domestic workers and Ministry of Manpower Decree No. 1/2011 issuing a regulation on the recruitment of non-Omani manpower. This guarantees the rights of foreign workers. The latter decree contains model employment contracts for conclusion between domestic workers and their employers. Moreover, the Anti-Trafficking Act promulgated by Royal Decree No. 126/2008 allows workers who have been subjected to any violations that involve human trafficking to file a complaint with the competent authority namely, the National Committee for the Suppression of Human Trafficking.

Recommendation 90.51

Accepted: Oman, in collaboration and consultation with the Gulf Cooperation Council countries, is researching an alternative to the sponsorship system, but this process is not yet complete. Oman has accepted this recommendation in order to confirm that it is reviewing and studying the current system with a view to developing an alternative.
