

MENA Rights' statement on Oman:

My name is Ramzi Kaiss and I am speaking on behalf of MENA Rights Group about the restrictions on the right to freedom of expression and on the independence of the judiciary.

First, on freedom of expression:

In 2018, the Omani authorities amended the country's penal code, further restricting the ability of Omanis to enjoy their right to the freedom of opinion and expression. Broad provisions contained in the amendments to the penal code included the criminalization of any criticism of the Sultan, under Article 97, and the criminalisation of criticism against any foreign head of state in or visiting Oman, under article 102.

Restrictions on fundamental freedoms are not new in Oman. Though during its 2015 UPR, Oman supported recommendations to enable the full exercise of freedom of expression, Oman's 2002 Telecommunication Law and its 2011 Cybercrime law have been repeatedly used to punish and arrest activists for their online and offline activities since then. The authorities have resorted to these laws to ban books, impose travel bans, suspend the licences of independent media, and shut down newspapers.

In 2015, Oman supported Sweden's recommendation to safeguard the right to opinion and speech by reviewing current legislation and working towards specifying its limits and boundaries in a clear and consistent manner. Nevertheless, charges issued by the Omani authorities against activists and individuals exercising their fundamental freedoms have continued to include "misuse of social media," "insulting the Sultan," and using "the internet in what might be prejudicial to religious values."

In the context of the COVID-19 pandemic, Oman also issued a decree suspending the print and distribution of newspapers, and prohibited the sale and circulation of newspapers, magazines, and publications imported into the country.

As such, we urge you to make the following recommendations to the state of Oman:

1. Amend the Penal Code, ensuring that the provisions of the law are clear and specific, as well as in line with international standards on the right to freedom of opinion and expression;
2. Amend the 2002 Telecommunications Act and the 2011 Cybercrime Law to bring them into line with international standards on the right to freedom of opinion and expression;

Secondly, on the Independence of the Judiciary:

Although the independence of the judiciary is guaranteed under the 2012 Law on Judicial affairs, the Sultan directly appoints and dismisses senior judges. In addition he presides over the Council of Ministers, which is tasked with overseeing compliance with court judgements, and chairs the supreme council of the judiciary, which supervises over the country's judicial system.

In its last UPR, Oman accepted Palestine's recommendation to increase efforts aimed at building the capacity of the judicial personnel technically and administratively. Yet, the judiciary in Oman continues to lack structural and functional independence from the executive.

We thus urge you to make the following recommendation:

1. Guarantee the independence of the judiciary, including by amending the 2012 Law on Judicial Affairs to ensure that the sultan does not exercise control over the appointment and dismissal of judges.

Thank you.