



Sultanate of Oman

Joint Submission to the UN Universal Periodic Review

37<sup>th</sup> Session of the UPR Working Group

09 July 2020

Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

and

Gulf Centre for Human Rights (GCHR)

and

Omani Association for Human Rights (OAHR)

---

**CIVICUS: World Alliance for Citizen Participation**

CIVICUS UPR Lead: David Kode  
Email: [david.kode@civicus.org](mailto:david.kode@civicus.org)  
Tel: +27 11 833 5959  
Web: [www.civicus.org](http://www.civicus.org)

**Gulf Centre for Human Rights (GCHR)**

GCHR UPR Lead: Khalid Ibrahim  
Email: [Khalid@gc4hr.org](mailto:Khalid@gc4hr.org)  
Tel: +961 70159552  
Web: [www.gc4hr.org](http://www.gc4hr.org)

**Omani Association for Human Rights (OAHR)**

OAHR UPR Lead: habiba Al-Hinai  
Email: [habibahinai@gmail.com](mailto:habibahinai@gmail.com)  
Web: [www.omanhr.org/en/](http://www.omanhr.org/en/)

## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries.
- 1.2 The Gulf Centre for Human Rights (GCHR) is an independent, non-profit CSO founded in 2011 that provides support and protection to human rights defenders (HRDs) in order to promote human rights, including but not limited to the freedoms of association, peaceful assembly and expression. GCHR is based in Lebanon and documents the environment for HRDs in the Gulf region and neighbouring countries, specifically Bahrain, Kuwait, Iran, Iraq, Jordan, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates (UAE) and Yemen.
- 1.3 The Omani Association for Human Rights (OAHR) as an independent, human rights research center based in Germany and work on the documentation of human rights violations in Oman and to enhance the protection of human rights defender in the country.
- 1.4 In this document, CIVICUS, GCHR, and OAHR examine the Sultanate of Oman's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Oman's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs, bloggers and online activists since its previous Universal Periodic Review (UPR) examination in November 2015. To this end, we assess Oman's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.5 During the 2<sup>nd</sup> UPR cycle, the government of Oman received 37 recommendations relating to the space for civil society (civic space). Of these recommendations, 21 were accepted and 16 were noted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission, as well as consultations with HRDs and experts, demonstrates that the Government of Oman has not implemented any of the recommendations relating to civic space. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, and acute gaps in implementation were found with regard to protecting the rights to the freedoms of association, peaceful assembly and expression and the persecution of HRDs.

- 1.6** Oman is a country of 4.6 million people which is a member of the Gulf Cooperation Council. Since 23 July 1970, the Sultanate of Oman was ruled by Sultan Qaboos bin Said, who became the longest-serving ruler in the Middle East, reigning for almost 50 years. On 10 January 2020, Sultan Qaboos died, and his cousin Haitham bin Tariq, the former Culture Minister, was sworn in as Oman's new Sultan. Despite calls from activists and civil society for reforms, several social media activists were interrogated during the first few months of Haitham bin Tariq's reign and the family members of those who had fled the country were targeted. Despite the fact that Oman ratified some international human rights conventions, restrictions persist as provisions in the Penal Code are used to restrict freedoms of expression, association and assembly.<sup>1</sup>
- 1.7** We are deeply concerned by the closure of civic space and the use of draconian legislation to restrict civic space and limit the ability of HRDs and journalists to report effectively on human rights issues and the actions of the state. Power is concentrated in the hands of the Sultan and while the Constitution of Oman guarantees the rights to association, peaceful assembly and expression, restrictive legislation and policies, including the Penal Code, the Law on Associations, the 1984 Press and Publications Law and the Communications Act, are routinely used to prevent independent human rights organisations from operating and to subject HRDs to judicial persecution and arbitrary detention. The hostile environment for civil society has forced most HRDs to flee Oman and all independent human rights organisations have either been closed by the authorities or work from abroad.
- 1.8** We are further alarmed by the targeting of bloggers, journalists and writers who report on the state of human rights or the actions of the government. Journalists and bloggers are routinely subjected to arbitrary arrests and judicial persecution without regard to the law. Independent newspapers have been shut down and the authorities target writers and seek to silence them by jailing them and banning their books in Oman. Since the popular protests in 2011, when hundreds of Omanis took to the streets in several cities, the authorities have used the Penal Code to forestall and prevent protests. When protests occur, they are immediately dispersed and protesters are arrested. The threat of violence towards protesters has forced many people to resort to self-censorship and refrain from organising or taking part in public assemblies.
- 1.9** In the wake of the COVID-19 pandemic, governments around the world, including Oman, implemented measures to enhance social distancing and limit the movement of people. However, some of these measures implemented in Oman have been used to restrict civic freedoms.

---

<sup>1</sup> "Oman: Human Rights Law under the new Sultan," <https://ochroman.org/eng/2020/05/haitham/>, accessed 6 July 2020.

**1.10** As a result of these issues, civic space in Oman is currently classified as repressed by the CIVICUS Monitor.<sup>2</sup>

- Section 2 of this submission examines Oman’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of HRDs and civil society activists.
- Section 3 examines Oman’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and journalists.
- Section 4 of this submission examines Oman’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 5 examines Oman’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
- Section 6 makes recommendations to address the concerns listed.
- An annex lists the implementation of recommendations received by Oman during the 2<sup>nd</sup> UPR cycle that are referenced in this submission.

## **2. Harassment, intimidation and attacks against human rights defenders and civil society activists**

**2.1** Under Oman’s previous UPR examination, the government received four recommendations on the protection of HRDs and civil society representatives. The government committed to ensuring the full enjoyment of the rights to the freedoms of association, peaceful assembly and expression, including for HRDs, journalists and users of social networks, so they would no longer fear being arrested, detained, harassed, or intimidated. Of the recommendations received, two were supported and two were noted. However, the government has not implemented any of the recommendations.

**2.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. Despite the fact that Oman has been urged to ratify the International Covenant on Civil and Political Rights (ICCPR) in previous reviews, the authorities have not done so. As a result, the Omani authorities have a history of targeting HRDs in order to prevent them from reporting on human rights violations committed by the Sultanate. Most HRDs have fled the country to avoid reprisals and continue their human rights activities in exile.<sup>3</sup>

---

<sup>2</sup> CIVICUS Monitor: Oman, <https://monitor.civicus.org/country/oman>.

<sup>3</sup> ‘Omani human rights activist silenced and pushed into exile’, CIVICUS, 25 April 2017, <https://www.civicus.org/index.php/media-resources/news/interviews/2819-omani-human-rights-activist-silenced-and-pushed-into-exile>.

**2.3** On 25 April 2020, HRD and writer Musallam Al-Ma'ashani was granted bail of 3,000 Omani Rials (approx. US\$7,800) and his trial was postponed indefinitely due to the COVID-19 pandemic.<sup>4</sup> He was initially arrested on 14 November 2019 at the border with Yemen as he returned to Oman from a foreign trip and detained at Arzat Central Prison in Salalah in Dhofar Governorate. He was denied access to a lawyer and medical assistance.<sup>5</sup> The Omani authorities have a history of arresting Al-Ma'ashani for his activism and his writings. In 2013 he was arbitrarily arrested after publishing a book that chronicled the 2011 protests in Salalah and was sentenced to two months in prison and fined 500 Omani Rials (approx. US\$1,300).<sup>6</sup> Al-Ma'ashani advocates for the respect of freedom of expression and assembly in Oman.

**2.4** In April 2018, HRD Hassan Al-Basham died in Samail Central prison while serving a three-year sentence on charges of insulting the Sultan and using the internet in ways that are prejudicial to religious values.<sup>7</sup> He was arrested in September 2015 and sentenced by the Court of First Instance.

**2.5** On 17 April 2017, the Internal Security Service (ISS) summoned HRD Ahmed Al-Bahri and detained him in Muscat.<sup>8</sup> His arrest was linked to Facebook post in which he expressed concerns over the heavy presence of Omani police on the streets of the Province of Buraimi, where he resides.<sup>9</sup> He has been subjected to arbitrary arrests and was detained in 2014 and sentenced to one year in jail and fined 1,000 Rials (approx. US\$2,600) on charges of disrupting public order after he participated in protests led by teachers.

**2.6** On 15 April 2017, blogger and activist Khaled Al-Ramadani was arrested at the border between Oman and UAE and transferred to the Special Division of the Omani Police Command in Muscat, the capital.<sup>10</sup> He was arrested after he posted a note on social media criticising the government.

---

<sup>4</sup> 'Oman: Trial of writer and civil society activist Musallam Al-Ma'ashani postponed indefinitely', GCHR, 2 June 2020, <https://www.gc4hr.org/news/view/2402>.

<sup>5</sup> 'Oman: artistic censorship and harassment of online activists continue', CIVICUS Monitor, 11 June 2020, <https://monitor.civicus.org/updates/2020/06/11/oman-artistic-censorship-and-harassment-online-activists-continues>.

<sup>6</sup> 'Oman: Writer and civil society activist Musallam Al-Ma'ashani must be freed', Omani Association for Human Rights, 18 November 2019 <http://www.omanhr.org/en/general-news/oman-writer-and-civil-activist-musallam-al-maashani-must-be-freed>.

<sup>7</sup> 'Oman: Omani Coalition for Human Rights mourns the death of internet activist Hassan Al-Bashan', GCHR, 2 May 2018, <https://www.gc4hr.org/news/view/1843>.

<sup>8</sup> Ibid.

<sup>9</sup> 'Oman: Internal Security Service continues systematic targeting of human rights defenders & Internet activists', GCHR, 24 April 2017, <https://www.gc4hr.org/news/view/1561>.

<sup>10</sup> 'Omani authorities restrict free expression through censorship and arrests of activists', CIVICUS Monitor, 9 June 2017, <https://monitor.civicus.org/updates/2017/06/09/oman-authorities-restrict-free-expression>.

- 2.7** On 30 January 2017, Omani authorities continued to harass and intimidate family members of HRD Mohammed Al-Fazari. Al-Fazari founded the Muwatan newspaper and was regularly subjected to judicial persecution, harassment and intimidation. He was forced to shut down Muwatan after its staff were arrested in 2016. In December 2014, he was arrested, briefly detained and informed about a travel ban.<sup>11</sup> Al-Fazari fled Oman for the UK in 2016 to avoid persecution and harassment. On 30 January 2017, the Omani authorities confiscated the passports of Al-Fazari's wife Badriya Al-Ma'mari and their two children, then aged three and one, and urged Al-Ma'mari to divorce her husband. She had intended to travel to the UK to visit her husband but was forced by the authorities to return home.
- 2.8** On 8 January 2017, the government of Oman imposed travel restrictions on HRD and blogger Saeed Jadad and prevented him from travelling to Qatar. He was informed that he was on a blacklist and banned from travelling out of Oman until 2099.<sup>12</sup> Jadad had documented human rights violations and was targeted for his letters and blogs that were critical of the human rights record of the Omani authorities. He was banned from publishing articles on certain Omani news outlets, including the now-defunct Azamn and Ruaya newspapers. He also wrote for Al-Watan newspaper. Jadad was previously jailed in 2015 for specious charges of sharing information that would prejudice public order and was released in August 2016.<sup>13</sup> He also led protests in 2011 in the southern city of Dhofar calling for government reforms. In February 2017, he was able to leave Oman and applied for asylum in another country, and is no longer an active HRD.

---

<sup>11</sup> 'Oman: Blogger Mohammed Al-Fazari arrested', GCHR, 23 December 2014, <https://www.gc4hr.org/news/view/856>.

<sup>12</sup> 'Court cancels two prison sentences as authorities still target HRDS', CIVICUS Monitor, 7 February 2017, <https://monitor.civicus.org/updates/2017/02/07/human-rights-defenders-journalists-bloggers-and-media-outlets-continue-be-targeted>.

<sup>13</sup> 'Oman: Human rights defender Saeed Jadad banned from travel, "Azamn" newspaper closed and trial of writer postponed', GCHR, 9 January 2017, <https://www.gc4hr.org/news/view/1464>.

**2.9** Female Genital Mutilation (FGM) raises serious concerns in Oman and human rights defenders who advocate against the practice and call for it to be stopped are targeted by the authorities and many have been forced to self-censor or have fled Oman. The authorities amended the Child Law in August 2019 which prohibits the practice of FGM and provides for penalties for perpetrators of the act. However, the practice continues, and the authorities prevent the publication of statistics on the practice of FGM. Human rights defender Habiba Al-Hinai who published a study on the harmful effects of FGM in the past was immediately subjected to smear campaigns and online threats by religious authorities. She and others were warned not to publish information about the practice in the future and the authorities developed procedures to prevent anyone including researchers from publishing any statistics without an official permit from the National Center for Statistics and Information. On 09 February 20, a woman human rights defender, who did not provide her name for security reasons, announced through her anonymous Twitter account the suspension of the Omani Feminists Twitter account that she helped set up.

### **3. Freedom of expression, independence of the media and access to information**

**3.1** Under the 2<sup>nd</sup> UPR cycle, Oman received seven recommendations relating to the freedom of expression, protection of journalists and access to information. For instance, the government pledged to ensure that all Criminal Law provisions, including articles 135, 147 and 173 of the Penal Code, which impose harsh penalties for a wide range of legitimate expression, are fully consistent with the full enjoyment of the rights to the freedoms of opinion and expression and the freedoms of association and peaceful assembly. It also agreed to safeguard the right to opinion and speech as prescribed by article 29 of the Oman Basic Stature of the State by reviewing its current legislation and working towards specifying its limits and boundaries in a clear and consistent manner. Of the recommendations received, three were supported and four were noted. However, as discussed below, the government has not implemented any of these recommendations.

- 3.2** The Constitution of Oman provides guarantees to the freedom of expression but also imposes limits that restrict this right. Article 29 of the Constitution states that the freedom of opinion and expression, whether through speech, writing, or other means of expression, is guaranteed within the limits of the law. Article 31 states that the freedom of the press, printing and publishing is guaranteed according to the terms and conditions prescribed by the law. It also states that anything that leads to discord or affects the security of the state or prejudices human dignity or rights is prohibited. Despite these guarantees, the freedom of expression and media freedoms are severely restricted in Oman.<sup>14</sup> Most recently, in responding to the COVID-19 pandemic, the Supreme Committee for dealing with COVID-19 in Oman ordered all newspapers and magazines to stop publishing and printing.
- 3.3** The authorities use unwarrantedly restrictive legislation, particularly the Press and Publications Law and the Telecommunications Act, to stifle the freedom of expression and digital rights. Media outlets are not permitted to criticise the Sultan and the authorities are empowered to close newspapers, shut down websites and detain journalists. Journalists, bloggers and online activists are targeted on a regular basis and subjected to judicial persecution, arrests and detention. To avoid persecution and attacks from the state, many journalists and online activists resort to self-censorship.
- 3.4** Oman's Press and Publications Law is one of the most restrictive laws in the Middle East. The law provides for journalists to be charged with libel for criticising the Sultan, ruling family or Islam, and to be fined and imprisoned if convicted. Article 26 prohibits the publication of anything that compromises the state's safety or security through visual or written media, the internet, or by means of information technology. The Telecommunications Act empowers the authorities to prosecute individuals when the state deems that they shared messages through different means of communication that violate public morals. Article 61 of the Act penalises people who by means of telecommunications send information that violates public order or public morals with imprisonment of up to a year or a fine of 1,000 Rials (approx. US\$2,600).

---

<sup>14</sup> 'Oman: Where Criticizing the Government can Warrant a Seven Year Sentence', Americans for Democracy and Human Rights in Bahrain, 5 February 2019, <https://www.adhrb.org/2019/02/oman-where-criticizing-the-government-can-warrant-a-seven-year-sentence>.

- 3.5** On 3 June 2020, online activist Awad Al-Sawafi was summoned by the Special Division of the Omani Command in the city of Ibri and arrested. He was transferred to the Public Prosecution Office and charged with ‘misuse of social media and incitement’.<sup>15</sup> He was arrested and charged after he expressed concerned over the threats made by Omani authorities to citizens. He was initially summoned and released on bail by the Court of First Instance in Ibri.<sup>16</sup> Al-Sawafi is an online activist who expresses his views on human rights issues, including the right of women to participate in the affairs of Oman. On 16 June 2020, he was convicted and handed a one-year suspended sentence and banned from using social media for a year.<sup>17</sup> He was also fined 100 Rials (approx. US\$260).
- 3.6** On 15 April 2019, Alshabiba Radio Station cancelled the week’s edition of ‘The Decision’, a television programme that interviews prominent Omanis. The show was cancelled shortly before it was due to host writer Said bin Sultan Al-Hashimi. The station did not provide reasons for the cancellation. Colleagues of Al-Hashimi noted however that there was a pattern of cancellation of public events and activities the writer was invited to participated in. After he actively participated during protests in 2011, Al-Hashimi was banned from participating in cultural programmes and in the media in Oman and many of his books have been banned by the authorities. He has been subjected to judicial persecution, arrests and harassment, including being detained for taking part in peaceful protests and for advocating for human rights in Oman.
- 3.7** On 2 April 2018, the authorities upheld a three-year sentence for online activist and blogger Abdullah Habib, suspending two and a half years of the sentence and sending him back to jail at Samail Central Prison to serve the remainder of the term. He was initially arrested on 15 April 2015 and released in May 2016. He was arrested again on 8 November 2016 and charged with using the internet to prejudice the state of public order.<sup>18</sup> He was charged after he posted information on social media calling on the Omani authorities to respect human rights in Oman. Habib is a writer and cinema critic who has published books and articles in Omani newspapers.

---

<sup>15</sup> ‘Oman: Freedom of expression continues to be targeted’, GCHR, 17 June 2020, <https://www.gc4hr.org/news/view/2412>.

<sup>16</sup> ‘Latest human rights news on Oman’, Omani Centre for Human Rights, 10 June 2020, <https://ochroman.org/eng/2020/06/update>.

<sup>17</sup> GCHR, 17 June 2020, op. cit.

<sup>18</sup> ‘Oman: Writer, cinema critic and online activist Abdullah Habib sentenced to 3 years in prison’, GCHR, 11 November 2016, <https://www.gc4hr.org/news/view/1426>.

- 3.8** On 9 August 2016, journalist Yousuf bin Khamis bin Moosa al Balouchi was arrested by members of the ISS without an arrest warrant and kept in solitary confinement. He was later charged with undermining the prestige of the state and publishing material that might be considered prejudicial to public security. In September 2016, he was sentenced to three years in prison and a fine of 3,000 Rials (approx. US\$7,800). On 23 October 2017, he was released from the Central Prison in Muscat.<sup>19</sup>
- 3.9** During the 23<sup>rd</sup> Muscat International Book Fair in 2019, the Omani authorities confiscated several books authored by Omani writers and prevented them from being displayed and discussed at exhibition stands.<sup>20</sup> The Book Fair is organised by the Omani Ministry of Heritage and Culture and brings together writers from Oman and other countries. The Omani authorities gave no reasons for confiscating the books, but authors of the books are concerned that the authorities routinely censor publications that are critical of Oman's leaders.<sup>21</sup>

#### **4. Freedom of association**

- 4.1** During Oman's examination under the 2<sup>nd</sup> UPR cycle, the government received 18 recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to reforming civil society laws to establish a streamlined legal framework through which independent organisations can register and to allow these organisations to accept assistance and contributions from foreign sources. It also agreed to improve the protection of the right to the freedom of association by amending the Publications Law and Civil Societies Law in line with international standards and by accepting the 2014 recommendations by the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Of the recommendations received, the government accepted 14 and noted four. However, as evidenced below, the government has not implemented any of these recommendations.

---

<sup>19</sup> 'Oman: journalist Yousuf al Haj imprisoned for article denouncing corruption is freed after one year', Alkarama, 26 October 2017, <https://www.alkarama.org/en/articles/oman-journalist-yousuf-al-haj-imprisoned-article-denouncing-corruption-freed-after-one>.

<sup>20</sup> 'Oman: Oman to participate in 2019 Paris Book Fair despite banning books at home', GCHR, 3 March 2019, <https://www.gc4hr.org/news/view/2074>.

<sup>21</sup> 'Omani authorities seize books at Muscat International book fair', CIVICUS Monitor, 5 April 2018, <https://monitor.civicus.org/updates/2018/04/05/omani-authorities-seize-books-muscat-international-book-fair>.

- 4.2** Article 33 of the Constitution of Oman guarantees the freedom of association. It states that the freedom to form societies on a national basis for legitimate objectives, by peaceful means and in a manner that does not conflict with the provisions and objectives of the basic statute, is guaranteed in accordance with the terms and conditions prescribed by the law. However, despite these commitments, the government has consistently denied people the right to organise freely into groups or associations for the purpose of asserting rights.
- 4.3** In January 2018, the Omani authorities revised the Penal Code through royal decree No. 7/2018 by including provisions that restrict fundamental freedoms in general and the freedom of association in particular. The law contains vaguely worded provisions that can be selectively interpreted by the authorities, including the ISS, to restrict the activities of CSOs and HRDs. The law prescribes a jail term of between three to five years to persons found guilty of “establishing, administering or financing an association or organisation created to combat the political, economic and social principles of the state or to dominate one social class over another.”<sup>22</sup> It notes further that people who join such organisations are liable to imprisonment for a period of not less than one year and not more than three years and that the authorities will dissolve such organisations and the documentation, funding and publications used to prepare such organisations will be confiscated. Article 97 of the Penal Code increases the penalty for those found guilty of slander against the Sultan from between six months to three years to between three years and seven years. In addition, article 269 increases the penalty for those found guilty of committing blasphemy or insulting the Sultan.
- 4.4** The formation and operation of CSOs in Oman is governed by the Law on Associations. The Law has several restrictive provisions that prohibit rather than enhance the formation and effectiveness of civil society. For example, article 5 of the Law prevents CSOs from engaging in political activities. This provision has been used in the past to target CSOs by accusing them of engaging in political activities. Article 6 of the Law imposes a series of cumbersome bureaucratic requirements for the establishment of CSOs. For example, the Ministry of Social Development requires a minimum of 40 founding members before an application to register an organisation can be considered.

---

<sup>22</sup> ‘New Penal Code could threaten civic space in Oman’, CIVICUS Monitor, 2 February 2018, <https://monitor.civicus.org/updates/2018/02/02/new-penal-code-threatens-civic-space>.

**4.5** In addition, CSOs are required to obtain permission from the authorities before they can receive funding from international funders. Those found guilty of violating the Law on Associations are liable to fines of 500 Rials (approx. US\$1,300) and can be jailed for up to six months. The Law on Associations also empowers the authorities to shut down organisations if they determine that the services they provide are not needed or if other organisations are providing the same services to meet the needs of society. These restrictions have made it almost impossible for organisations to operate in Oman and as a result, no independent human rights organisation operates from inside Oman.

## **5. Freedom of peaceful assembly**

**5.1** During Oman's examination under the 2<sup>nd</sup> UPR cycle, the Government of Oman received 18 recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to demonstrating commitment to uphold international human rights standards by ensuring full respect for the rights of citizens to freedom of speech and peaceful assembly. The government also agreed to take steps to guarantee the right to peaceful assembly for its citizens. Of the recommendations received, three were supported and 15 were noted. However, as evidenced below, the government has not implemented any of these recommendations.

**5.2** Oman formally guarantees the right to peaceful assembly. It states that citizens have the right to assemble within the limits of the law. In practice, however, peaceful assemblies are rarely held in Oman because of concerns that those who take part will be targeted. Since the nationwide protests that unfolded in Oman in 2011, the authorities have implemented measures, including the revision of the Penal Code in 2018, to forestall and disperse protests. Article 121 of the Penal Code restricts the freedom of assembly and prohibits protests. It states that those who participate in public gatherings involving 10 or more people that infringe on security and public order are liable to a fine of between 100 Rials (approx. US\$260) and 500 Rials (approx. US\$1,300) and a jail term of between three months and one year. It further imposes a prison term of between three and six months on those who organise public demonstrations.

**5.3** In January 2018, the authorities arrested more than 30 protesters as hundreds of Omanis demonstrated against high levels of unemployment. The protests began in Muscat and spread to other cities, including Salalah and Sur.

## **6. Recommendations to the Government of Oman**

- CIVICUS, GCHR, and OAHR call on the Government of Oman to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.
- At a minimum the state must ratify the ICCPR and ensure the following conditions are guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made.

### **6.1 Regarding the protection of human rights defenders and activists**

- Recognise HRDs and civil society representatives as key actors in holding the state accountable and acknowledge their contributions towards the development of Oman.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Provide a safe and secure environment in which civil society members and HRDs can carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks against and harassment and intimidation of them and bring the perpetrators of such offences to justice.
- Unconditionally and immediately release all HRDs, civil society representatives and political activists detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and order and conduct an immediate review of their cases to prevent further harassment or prolonged detention.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs, in accordance with Human Rights Council resolution 27.31.

## **6.2 Regarding the freedom of expression, independence of the media and access to information**

- Amend restrictive provisions of the Press and Publications Law and respect the rights of expression for all citizens.
- Amend restrictive provisions of the Telecommunications Act.
- Ensure the freedom of expression and media freedom by bringing national legislation into line with international standards.
- Lift the ban on all newspapers to enable them to operate without fear of retribution.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government deems sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, including by ensuring free access to electronic media, liberalising electronic media ownership rules and allowing domestic bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights.
- Adopt a law on access to information in order to promote fully the exercise of the rights to the freedoms of expression and opinion.

## **6.3 Regarding the freedom of association**

- Amend restrictive provisions of the Penal Code to create an enabling environment for the respect of the right to the freedom of association.
- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.

- Facilitate the registration of all CSOs that have submitted applications for registration and lift unnecessary and bureaucratic procedures that obstruct the process of registration of CSOs.
- Lift the ban on all independent CSOs and human rights groups.
- Remove all undue restrictions on the ability of CSOs to receive international funding, in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations and lift the ban on the activities of non-registered organisations.
- Refrain from acts leading to the closure of safe spaces for CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that places CSOs at the centre and allows and embraces diverging views, including those of HRDs, journalists, political activists and others.

#### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Review and, if necessary, update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

## **6.5 Regarding access to UN Special Procedures mandate holders**

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.

## **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.