



## **Stakeholders Report**

**Submitted to the second cycle of the**

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**Universal Periodic Review**

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**Prepared by**

**The National Human Rights Commission of Oman**



The present report is a summary of NHRCO submission to the universal periodic review exercise.

Convinced that cooperation with the Human Rights Council through dialogue, in order to improve human rights systems in all United Nations Member States, and to furthering of efforts to promote respect for human rights, the NHRCO is honored to submit its report on the follow up to recommendations and measures taken by the State to guarantee human rights and to ensure their full observance in the society.

The NHRCO is fully aware that the enjoyment of human rights will result in the development of the Omani society. In presenting this report NHRCO is mindful that the advancement of human rights in Oman is a continuous, evolving and cumulative process with gradual results. There will always be challenges to each reform and development process, and NHRCO is determined to work closely with all competent Omani authorities to disseminate a culture of human rights in the society and to ensure also that human rights are in line with international norms for the best interest of its citizens and the prosperity of its society.



### **Description of methodology and of broad consultation in the process of drafting the report**

1. The National Human Rights Commission of Oman (NHRCO) was established by a Royal Decree in 2008. It started its activities in early 2010 when a subsequent Royal Decree was issued to nominate its members who each serve for a term of three years.
2. The NHRCO is affiliated to the State Council (House of Senates and House of Deputies). It enjoys an autonomous status and is only linked to the State Council of Oman administratively.
3. The NHRCO annual report is submitted to His Majesty the Sultan of Oman through the Chairman of the State Council as a form of protocol.
4. Despite its short lifespan, the NHRCO has acquired a “B” status from the International Coordinating Committee, “Associate Status” with the Asian Pacific Forum (APF) and it is also a member with a monitoring capacity in the League of Arab States and the Arab Network for Human Rights.
5. The NHRCO has established effective institutional relationships with the United Nations Office of the High Commissioner for Human Rights



(OHCHR), and specifically with its national institutions and regional mechanisms sections.

6. Since its establishment, the NHRCO organized various raising awareness and educational projects and activities in collaboration with the OHCHR in order to disseminate the concepts of human rights within the Omani society.
7. The NHRCO initiated and facilitated several meetings with Non-governmental organizations aiming at raising awareness on issues related to human rights, including on the role of the NHRI, but more importantly to highlight the role of civil society in promoting and protecting human rights in line with the objectives of the universal periodic review mechanism.
8. In order to prepare this report, the NHRCO engaged with different stakeholders and took the initiative to meet and consult with various governmental, academic, national institutions and civil society organizations involved in human rights work. During these meetings, constructive discussions took place on various topics and the parties agreed to continue the dialogue with a view to enhance the productive cooperation and coordination on human rights matters particularly, with regard to setting a proper strategy to treat with recommendations presented to Oman during the UPR exercise. The NHRCO strongly believes that holding regular meetings with representatives of all actors



within the Omani society to discuss their concerns, will contribute to the development of the human rights system in Oman.

**A. Background and Framework (normative and institutional framework for the promotion and protection of human rights)**

9. The NHRCO commends the Ministry of Social Development (MOSD) for having created - through Ministerial Decision (330\2012) - a department specialized in the protection of families that experience abuses against women and children and in identifying the risks of human trafficking. The NHRCO emphasizes that citizens should be made aware of the existence of such a department and that its divisions are available and active within the different regions of the Sultanate of Oman. The NHRCO considers this department as a form of national mechanism created to protect women and children who are subjected to domestic violence.
10. The Commission also commends the government for issuing Royal Decree 18\2014 to create a General Directorate specialized in following up on the affairs of disabled persons. The NHRCO considers this initiative as important national mechanism which promotes and protects the rights of the disabled persons.
11. The NHRCO notes that the government has issued Royal Decree 111\2011 which gives rights and power to assess and monitor the financial and administrative performance and behaviors of all entities in Oman. The government went further to issue Royal Decree 112\2011 that



safeguards the protection of public finances and prevents conflicts of interest. However, the Commission advises the revision of Art. 16 of the law that governs the monitoring of the administrative and financial affairs within the State.

12. The establishment of the National Committee for Youth through Royal Decree 177\2011 was introduced to empower the Omani Youth, raise their awareness and develop their capacities including through informing as well as educating them of their rights and responsibilities within their society.



## **B. Implementation of international human rights obligations (cooperation with human rights mechanisms, NHRI activities, public awareness of human rights)**

13. The NHRCO encourages the efforts of the Ministry of Commerce and Industry in formulating of national incentives which empower women engagement and participation in small and medium enterprises (SME's). Women of all backgrounds are encouraged and supported by local government authorities and state funding institutions to set up businesses including from their residencies the aim of which is to empowering women both socially and economically.
14. NHRCO witnessed greater participation of women candidates during the Majlis Al Shurra elections in 2011. The NHRCO would like to highlight the efforts of the Ministry of Interior (which administers all matters concerning domestic affairs between all the governorates and regions of the country) in 2014 for organizing training programs as part of raising awareness campaigns for candidates interested in running for Majlis Al Shurra. These measures were set in place to advice women candidates on the legal aspects of the polling process, the requirements to be met by candidates, ways to plan and manage promotion campaigns and the rules and regulations that candidates need to comply with.
15. In collaboration with the Ministry of Social Development and Regional Women's' Association, the NHRCO organized numerous capacity



- building workshops and seminars all over Oman in order to empower women's rights according to national and international standards.
16. Despite women integration in all sectors of society, the NHRCO would like to highlight the fact that women who are married to non-Omanis are subject to discrimination and prejudice as their children are not eligible to Omani citizenship according to Law on Nationality (34/2014) which denies them such nationality. Furthermore, while having to go through a permission process that legally recognizes a marriage, both husband and children are only allowed to reside in the country on the basis of employment and a valid work permit. The NHRCO requests the revision of Article 4, 18 (ii) & 20 of the Nationality Law which was issued in 2014 for the purpose of putting an end to this specific concern.
  17. The NHRCO encourages the government of Oman to enhance its cooperation with United Nations human rights mechanisms and commends the government for having extended an invitation to the Special Rapporteur on Freedom of Association and Peaceful Assembly. In this regard the NHRCO recommends that the drafting of the Civil Association Law should take into consideration international human rights norms as well as the recommendations provided by the relevant Special Rapporteurs in line with their respective mandates.
  18. The NHRCO emphasizes that the constructive cooperation with the OHCHR leads to raise public awareness on all issues related to human rights. The NHRCO commends representatives of the Government,



- parliamentarians and civil society experts for their determination, dedication and efforts in promoting human rights in Oman including through their active participation and provided expertise in joint activities and programs.
19. Where the integration of human rights principles into educational programs and curriculums is concerned, the NHRCO notes the efforts by the government to advance dialogue with all concerned stakeholders in this context. The Ministry of Higher Education has ensured the inclusion of human rights elective courses within certain educational and provided courses.
  20. Concerning the integration of children with special needs into national educational system, the NHRCO advises that educational teams, specialized staff and qualified facilities should be put in place in order to ensure that disabled children with special needs enjoy their full educational rights according to international standards.
  21. Through the close cooperation between Sultans Armed Forces and Royal Oman Police (ROP) and upon their request, NHRCO recalls that its representatives have provided raising awareness programs on issues related to human rights to both categories. The Commission intends to provide them too with long term technical assistance programs in coordination with the OHCHR as part of its efforts to develop and strengthen the national workforce.



22. The NHRCO commends the Ministry of Foreign Affairs for having established a committee with the purpose of studying, analyzing and providing recommendations on ratifying international treaties and accession to international instruments, within which representatives of the government, civil society associations and national human rights institutions are members. The NHRCO hopes that the outcome of the committee work will result in further interaction with international human rights mechanisms.
23. Where submission of overdue reports and replies are concerned, the NHRCO representatives facilitates the drafting of reports submitted by the government and related bodies and authorities and in line with the requirements of the United Nations and International Organizations norms.
24. The Commission commends the establishment of the National Committee for Combatting Human Trafficking by Royal Decree 30/2008. The Committee is headed by H.E the Secretary General of the Ministry of Foreign Affairs since 2012. The NHRCO recommends the organizing of raising awareness programs in favor of public as well as local and national authorities on issues related to combatting Human Trafficking and relevant Laws.



25. The NHRCO notes that the government is in the process of drafting a new Labor Law and stresses the need for the plight and conditions of domestic workers be included and considered. There is currently a Ministerial Decision 1/2011 that outlines the procedures to be undertaken with regard to domestic workers which needs further enhancement and endorsement by the concerned authorities.



### **C. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situation in the State**

26. The NHRCO notes with appreciation both the government and parliaments efforts to implement monitoring mechanisms related to legislative matters. Nevertheless, the Commission advises for the revision of the Print and Publication Law as well as the law that governs Civil Society Associations. In addition, the revision of Art. 131 from the Penal Code which involves the freedom of assembly requires further attention and consideration.
27. The commission applauds the government for the establishment of an Authority for Consumer Protection in 2011. Furthermore, in 2014 the NHRCO noted that the government issued new laws relevant to the protection of consumer rights the act that falls within the scope of protecting and promoting human rights.
28. Concerning the amendments of Art. 4 of the Penal Procedures 97-99 of Royal Decree 59\2011 which stipulates that Public Prosecutors are responsible for all arrests, the NHRCO advises that this article be revised in order to prevent the interference of different authorities and in line with relevant human rights principles.



29. Concerning the Law of Print and Publication no. 49/84, the NHRCO recommends that the government revises and amends these laws especially Art. 31 in order to adhere to relevant international human rights standards.
30. The NHRCO applauds the initiatives made by the government for the issuance of a Child Law 22/2014. This law stipulates in Art. 20 that traditional practices that may involve the harming of any individual be prohibited. The NHRCO notes that an internal regulation is in the process of formulation. Despite the existence of associations in Oman that are specialized in the rights of the child, the Commission advises a more efficient role and active participation of these associations on matters related to children's rights.
31. The NHRCO notes that Art. 36 from the Child Law stipulates and promotes the right to education and health care for all children and where these rights are violated, the legal guardian is to be defined. The NHRCO recalls that such services need to be provided by the government and its competent authorities.
32. The NHRCO requests the amendment of Art. 137 from the Penal Code 7/1974 to adhere to concepts and elements of human rights concerning rights to peaceful Assembly.



33. The Ministry of Social Development has created three committees that focus entirely on the rights of the disabled persons, children and women rights. The NHRCO took the necessary measures so that all three committees include its representatives for the purpose of ensuring more transparency and provide specialized expertise.
34. Despite the existence of the Juvenile Accountability Law 30/2008, the NHRCO recommends that juvenile centers be established in various regions of Oman and demands the creation of specialized courts that focuses entirely and solely on cases committed by juveniles.
35. As per national statistics provided by the National Statics Center in 2013, the percentage of women employed by the public sector in 2013 was 45% compared to 20.5% in the private sector. NHRCO notices that Women do not face discrimination in the workplace and that equal opportunities in employment do exist in reality. The NHRCO did not receive cases of discriminatory acts as a result of gender inequality in workplaces.
36. The NHRCO commends the government and the Basic Statues for providing the freedom to worship and of religious practices and belief within the borders of the Sultanate.
37. The Commission praises the government for having established the Al Massarah Hospital, a specialist facility for psychological and



- neurological care. This 60,000m2 facility was established according to international standards and witnesses the determination of the government to promote and protects human rights for all and in all circumstances.
38. The NHRCO conducted regular visits to the Central prison of Samail to ensure that detainees and prisoners' rights are respected according to international standards. These visits were carried out upon the request of detainees themselves or upon the NHRCO initiatives.
39. The Commission calls upon the Ministry of Manpower to revise its policies (Art. 18 from the Labor Law 35/2003) concerning the rights of foreign and expatriate employees with the purpose of ensuring their rights including with regard to their rights to transfer from one employer to another. The NHRCO stresses that freedom of movement and opportunity to employment should not be restricted.
40. Royal Decree 9\2012 and 10\2012 ensures the independence of the three powers and the principle of the separation of powers, judiciary, executive and legislative powers. The Commission commends the government for the steps taken to lay the required foundations for an independent and efficient system and process. However, Art. 7 from the Judiciary Law 90/1999 pertaining to its jurisdictional location, requires revision to guarantee the principle of independence of both systems and processes.



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