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justice  
hope peace unity equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

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Just Atonement Inc. (JAI) incites transformative social change by empowering lawyers and law students with the opportunities, training and means to defend democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of The Sultanate of Oman.

***Summary of Conclusions***

1. Oman has played a dual-role in the War in Yemen, helping refugees escape conflict while also engaging in arms trafficking for the Houthi forces.
2. While Oman has made progress in combating climate change, much more work needs to be done in order to mitigate the severity of climate change on Oman, the Omani people, and the Omani way of life.
3. Democratic institutions in Oman are weak and unprotected. What little democratic norms exist are regularly undermined by ineffective implementation. For example, Omani citizens can vote for a legislature, but the legislature cannot legislate and all decision-making powers come from the Sultan, who is an absolute monarch.



4. Human trafficking is a massive problem in Oman, with people being trafficked in and out of Oman for both labor and sex. The current system is inadequate to protect trafficked victims, with cases of victims being returned to their abusers after having fled.

5. Prisoners are still subjected to torture, and have little legal avenues for redress or accountability.

6. Oman openly discriminates against people based upon sexual orientation and gender identity. Oman offers no protections for LGBTQ+ Omanis, and even criminalizes same-sex relationships.

7. Gender inequality is a large problem in Oman, with women facing gross inequalities in all walks of life, from marriage, to work, to travel. Oman also fails to protect women from domestic violence and marital rape, and offers no protection from such abuse.

### *Analysis*

#### *War*

8. Oman typically is not directly engaged in war, but there are two war-related actions that merit discussion. The first is Oman's role in weapons smuggling to Iran-backed Houthi forces in Yemen. The second is their humanitarian role with Yemeni refugees.

#### *Weapons Smuggling to Houthi-backed forces in Yemen*

9. Oman was first accused of smuggling weapons from Iran to Houthis in Yemen in 2016. The allegations first arose when Yemeni forces stopped cars with Omani license plates carrying shipments of weapons. It appears that weapon smuggling is still occurring today, with reports from early 2020 of drone and weapon parts being smuggled into Yemen from Oman.

10. There is speculation as to the role of the Omani government in smuggling weapons to Houthi forces. Pro-Iran and Pro-Houthi Omanis may be conducting weapons smuggling without government approval due to the smaller government presence. Dhofar, an Omani province that borders Yemen, could be under less control from Oman and so could smuggle weapons without Omani supervision.

### *Recommendations*



11. If true, such actions would violate the UN Weapons Embargo imposed upon Yemen in 2015. It would also violate the Yemeni people's right to life, guaranteed under Article 3 of the Universal Declaration of Human Rights ("UDHR") as well as the right to a social and international order that allows other rights to be realized, encapsulated by Article 28 of the UDHR.

12. It is recommended that Oman immediately stop the movement of weapons within and across its border, and implement measures to prevent weapons from moving along its shores. Further, if private actors continue to perpetrate these egregious violations of international law and human rights, Oman must take necessary action to prevent such conduct in the future. Exercising control over its more independent regions, such as Dhofar, and prosecuting violators are all necessary measures to ensuring the health and safety of the Yemeni people.

### *Yemeni Refugees in Oman*

13. Oman has also been deeply involved in the humanitarian crisis created by the Yemeni Civil War. Tens of thousands of Yemeni refugees currently reside in Oman, and Oman has provided food, medical treatment, and financial support to many of the refugees. Oman has even built homes and infrastructure in Yemen. It also appears that Oman does not typically allow refugees to work, which has caused problems with economic stability within refugee communities.

### *Recommendations*

14. Oman should continue its humanitarian policies for the foreseeable future, and look for ways to promote and advance refugees' standards of living. Permitting refugees to work will not only alleviate economic strain on the Omani government, but could lead to more economic growth in the region. Further, Oman should create policies that acknowledge the permanent nature of many refugees. Some, for an array of reasons, will not be able to return to Yemen, and so Oman should begin creating permanent residency statuses for such refugees. This may involve reworking immigration laws or funding infrastructure and housing projects.

15. These policies are needed in order to protect Yemeni refugees' right to seek asylum from persecution, Article 14 of the UDHR, right to a nationality, Article 15 of the UDHR, and the freedom of movement, protected by Article 13 of the UDHR.

### *Climate Change*

16. Oman is particularly susceptible to the impacts of climate change. Oman is already water scarce and arid, and climate change will only worsen problems related to water



access. Moreover, increases in average temperature will cause more heat-related deaths. In addition, Oman is vulnerable to natural disasters, and climate change will only increase the numerosity and intensity of such calamities. Oman is also facing desertification and rapid degradation of water sources. As such, droughts, floods, and cyclones may occur more frequently. Moreover, Oman is dealing with sea level rise, which will only get worse in the coming years.

17. In response, Oman created several environmental programs and initiatives. Oman has created the Intended Nationally Determined Contribution, which alongside the National Strategy for Adaption and Mitigation of Climate Change, studies the impacts of climate change on an array of issues, from sea level rise to desertification to agriculture and infrastructure. Moreover, Oman has built solar and wind farms to increase Oman's environmental sustainability. Unfortunately, Oman has increased its greenhouse gas emissions over the last few decades and air pollution has been on the rise in many areas.

### *Recommendations*

18. Oman has made progress in mitigating the impacts of climate change, however more action is needed. To counteract the increases in greenhouse gas emissions and air pollution, Oman must designate more funds for green technologies. More solar and wind farms are certainly beneficial, but Oman should also look into diversifying its energy portfolio. Investments in tidal, geothermal, or even passive solar technology could be advantageous for Oman, especially given its geography and climate.

19. Oman should also invest in infrastructure projects that plan for Oman's climate reality. Buildings, road, and dams, for example, must be designed to withstand stronger and more regular storms. Previous infrastructure projects should also be re-analyzed to account for future needs.

20. Water scarcity is already an unfortunate reality for Oman today, and it will become increasingly dire in the future if Oman does not take immediate action. Oman should invest in water recycling and water treatment plants in order to stretch out the water supply. So-called "grey water" should be widespread and provide water for cleaning, laundry, and bathing.

21. Oman should also prevent desertification. So, Oman should begin implementing policies that promote sustainable agricultural techniques and land and water management. Oman should also implement erosion and salination prevention policies. Further, Oman should reclaim lost lands by planting native plants and bringing back native wildlife.

22. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.**



23. Such actions are necessary to protect the Omani people's right to life, protected by both Article 3 of the UDHR, and the Omani people's right to a healthy environment, which is protected by Article 25 of the UDHR, and the jus cogens norm of a people's right to self-determination.

### *Democratic Governance*

24. Oman is governed by an absolute monarch, the Sultan. The Executive branch has the Sultan as both chief of state and head of government.

25. Suffrage is granted to all non-military citizens of Oman over the age of 21. Voters vote for district representatives on the Majlis Ash'shura. This is an 86-seat consultative council that advises the Sultan. The upper chamber of the Legislative branch, the Majlis A'Dawla, is composed of appointed senior advisors and leaders to the Sultan, such as ministers, judges, and dignitaries. Although this is technically the legislative branch of Oman, neither chamber has the power to legislate. They can only advise the Sultan, who has complete control over national policy.

26. Since 2011, voters can also elect municipal councilmembers. However, due to the COVID-19 pandemic, such elections are postponed. There is currently no set time for the elections.

27. Oman does not protect associational rights, and has limited gatherings in the aftermath of the Arab Spring. Oman also has a ban on political parties. Recently, Oman banned print newspapers in the name of reducing COVID contractions. This has been perceived as a way to reduce criticism of the Sultan. Generally, Omani authorities have cracked down on any criticism of the Sultan or the state, with books being the target of bans and confiscation.

### *Recommendations*

28. Delaying the elections could be a violation of Article 21 of the UDHR, which guarantees the right to genuine elections. Further, because these elections only lead to advisory positions and the Sultan remains unelected, there is not genuine participation in the political process. Such action would also violate Article 21 of the UDHR.

29. Banning print media minimizes the right to a free and fair press, as guaranteed by Article 19 of the UDHR. Although COVID has made free speech and free press worse, these rights were not fully protected to begin with. Oman cracked down on the press and free expression after the Arab Spring and remains suspicious of both media and protests.



30. Banning political parties infringes upon the rights of Omanis to associate with whomever they choose, as protected by Article 20 of the UDHR.

31. Because of these actions, it is recommended that Oman confirm the date for their next election and set aside resources to enable the election to be fair and safe. Oman should reinstate print journalism, and create a state-wide cultivation for the press and expressive information. Oman should also liberalize its protest and gatherings laws in order to facilitate dialogue and protest. Oman should consider creating true participation, with elections that allow legislators to truly legislate. Finally, it is recommended that Oman permit political parties to form, even those most critical of the Sultan.

### *Trafficking*

32. Oman is a destination and transit country for both sex trafficking and forced labor. Oman has certainly improved its investigative and prosecutorial abilities in preventing human trafficking, but problems still persist. For example, Oman will put potential labor trafficking cases through mediation, which has limited the ability of the government to clamp down on trafficking.

33. Trafficked persons are increasingly vulnerable, with reports of abuse, exploitation, and violence perpetrated against this vulnerable community. Instances of trafficking are especially high within Oman's domestic workers program and its sponsorship program, because the visas are tied directly to the employer and the worker cannot change jobs without their employer's permission. Workers who flee their employers face deportation or imprisonment even if they are fleeing abuse. Further, there are cases of fleeing workers being brought back to their employer, which led to more abuse and violence.

### *Recommendations*

34. Human trafficking violates several protected human rights. It violates the right to life, liberty, and security, which is protected by Article 3 of the UDHR. It also violates the right to be free from slavery and forced labor, which is protected by both Article 4 of the UDHR and the jus cogens norm against slavery, and the right to be free from degrading treatment, which is protected by Article 5 of the UDHR. Further, human trafficking also violates the jus cogens norm of a people's right to self-determination.

35. It is recommended that Oman immediately alter its sponsorship program and add protections for workers obtaining visas through a sponsor. Oman should increase its capabilities in investigating and prosecuting traffickers, and fully utilize its criminal justice system, as opposed to its labor law system. Oman should also increase human trafficking training, in order



to more easily spot victims, both in the country and when scrutinizing those attempting to enter the country. Oman should also allow victims to seek out protective services even if files have not been charged and no investigation has been completed.

### *Torture*

36. There have been numerous reports of torture in Omani prisons over the years. It appears torture has been utilized on protestors and political dissenters as a means to consolidating power and crushing opposition. Detainees have reported the use of systematic beatings and exposure to extreme temperatures. There are also reports of hooding, sleep deprivation, solitary confinement, and sensory overload.

### *Recommendations*

37. Torture is a violation of Article 5 of the UDHR. Oman also violates Article 2 of the Convention Against Torture (“CAT”), for failure to take sufficient action to prevent torture in Oman. Oman also violates Article 10 of the CAT, which mandates States to educate government officials on the ban on torture.

38. As such, Oman should immediately stop all torture and treat all its detainees with dignity. Also, any reports of torture should be investigated by an independent investigative team, and if true, all officials connected to the use of torture should be prosecuted and held liable. Until Oman creates an administrative instrument to receive and investigate claims, Oman also sits in violation of Article 13 of CAT, which mandates States provide victims the opportunity to be safely heard.

### *LGBTQ+ Discrimination*

39. Oman currently criminalizes both same-sex relationships and certain types of gender expression. Omanis can even be imprisoned for engaging in state-defined “immoral” or “indecent” behavior. Furthermore, there are no protections from discrimination for queer Omanis.

### *Recommendations*

40. Oman is in violation of Article 12 of the UDHR, which protects against arbitrary intrusions upon privacy and the home. Furthermore, Oman has violated Article 7 of the UDHR by failing to protect queer Omanis from discrimination and unequal treatment under the law. It is therefore recommended that Oman take all necessary action to include queer Omanis in Omani society, and allow them to love whomever they choose, free from threats or discrimination.





### *Gender Equality*

41. Women have improved their standing in Oman over time, with more and more women engaging in the political process. Furthermore, youth literacy rates between young men and young women are the same and there is gender parity in the classroom.

42. However, Oman still treats men and women differently with regards to divorce, inheritance, custody, and travel. In addition, women have a much harder time working. Also, Oman does not criminalize domestic violence or marital rape, and subsequently many women suffer annually from abuse, assault, and rape. Allegations of rape and abuse are common in Oman.

### *Recommendations*

43. Gender based violence is a violation of the Convention on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 19(1) (1992) (“CEDAW”) and the right to life and security of person in Article 3 of the UDHR. Oman should uphold its obligation to this convention by criminalizing gendered violence and prosecuting it wherever it is. Further, such stark gender inequality violates the jus cogens norm of the right to self-determination because such actions prevent women from truly realizing their own potential.

44. Oman should also amend its laws on divorce, inheritance, custody, and travel to equalize these processes for women. Inequality in divorce and custody proceedings violate Article 16 of the CEDAW. Inequality in custody also violates Article 3 of the Conventions of the Rights of the Child, which holds that the child’s best interests are of primary concern with any policy affecting children. Restrictions on a woman’s freedom of movement, by limiting her access to a passport, violate Article 13 of the UDHR.

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### **Acknowledgement**

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Jacob McCall (University of California, Berkeley 2019, Stanford Law School 2022)*