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Written statement* submitted by Alsalam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Attacks on Freedom of Expression in Oman

COVID-19 as a Pretext to Suppress the Right to Freedom of Expression

The Sultanate of Oman used the COVID-19 pandemic as a pretext to continue suppressing the right to freedom of expression. Authorities did so by targeting individuals who expressed their views on social media about government responses to the pandemic, charging them with the crime of “undermining the prestige of the state or spreading false news.”¹

In March 2020, the Supreme Committee for Dealing with COVID-19 in Oman ordered all newspapers, magazines, and other publications to cease printing and circulating justifying it as an attempt to combat the spread of the virus in the Sultanate. The published Order also prohibited the sale and circulation of newspapers, magazines, and publications imported into the country.²

During the pandemic, the Telecommunications Regulatory Authority of Oman banned Voice over Internet Protocol (VoIP) services, such as Skype, Google Meet, and WebEx, to help business continuity and communication.³ Some other popular VoIP apps, such as WhatsApp and FaceTime, remain blocked, despite citizens’ appeals for the allowance of the use of these apps.⁴

The Committee Order of March 2020 and the bans on VoIP services have a severe impact on people’s fundamental rights to freedom of expression, privacy, and access to information. They create additional hurdles for journalists, human rights defenders, and civil society organisations, many of whom rely on technology and information-sharing platforms to maintain and promote freedom of expression and an open civic space. The European Center for Democracy and Human Rights reported that, “Since the beginning of 2020, activists expressing discontent and calling for reform were summoned for questioning, such as members of the Omani Feminists association (Nasawiyat Omaniyyat) who were subsequently forced to halt their activities on Twitter.”⁵ Also, the Muscat International Book Fair was censored; books expressing views that were critical of the government were banned. All this shows the new Sultan’s attempts to ensure unquestioned power and authority.

The Use of Laws Regulating a Crackdown on Freedom of Expression

Oman frequently issues revisions to the Penal Code, increasing the punishment for violating laws intended to repress freedom of expression. These laws are issued in order to repress legitimate political dissent; most of these laws prohibit any criticism of the government.

These laws restrict free speech. For example, Articles 126 and 135 of the Penal Code prohibit the insulting of the “Sultan’s rights or authority” and causing “harm to the State’s

¹ COVID-19 hits those shackled by oppression hardest thanks to decades of inequalities, neglect and abuse, Amnesty International, 7 April 2021, <https://www.amnesty.org/en/latest/news/2021/04/annual-report-covid19-decades-of-oppression-inequality-abuse/>.

² Oman, Morocco, and Yemen suspend newspaper production, citing COVID-19 fears, CPJ Org, 17 March 2020, <https://cpj.org/2020/03/jordan-oman-morocco-and-yemen-suspend-newspaper-pr/>.

³ Lisa Barrington, Gulf residents urge end to voice-call bans, Reuters, 23 March 2020, <https://www.reuters.com/article/uk-health-coronavirus-gulf-telecoms/in-coronavirus-lockdown-gulf-residents-urge-end-to-voice-call-bans-idUKKBN21A2FU?edition-redirect=>.

⁴ COVID-19: Unblock Voice Over IP Platforms in Gulf, Human Rights Watch, 7 April 2020, <https://www.hrw.org/news/2020/04/07/covid-19-unblock-voice-over-ip-platforms-gulf>.

⁵ Oman: A State free of expression?, ECDHR 2020, <https://www.ecdhr.org/?p=958>.

status,” respectively.⁶ The punishment for committing slander against the Sultan has been increased from 6 months in prison to 3 to 7 years in prison under Article 97.⁷ Similarly, Article 173 of the Penal Code outlaws “publicly or by publication, and by speech or gestures” any action that affronts a public official for performing their duties.⁸

Article 118 of the Penal Code constitutes a direct violation of the right to freedom of expression and opinion, by criminalizing access to, possession of, and distribution of information, without specifying the content of this material. It thus undermines the work of journalists, writers, and other individuals who print, record, or broadcast information.⁹

The Sultanate has also maintained measures that were recommended for reformation during the Universal Periodic Review (UPR). These include the Telecommunications Act of 2002, and various Cyber Crime Laws that have been in force since 2011. Each of these legal regimes place severe and disproportionate restrictions on freedom of expression for civilians and the press.

Conclusion and Recommendations

The COVID-19 pandemic has exacerbated Oman’s failure to abide by its international commitments to protect human rights. Despite recommendations made during the UPR process, Oman has not taken substantial steps toward allowing freedom of expression, relaxing censorship laws, and supporting a free media. On the contrary, since the start of the pandemic, the government has taken steps to strengthen the censoring of free speech and create new restrictions on various forms of media. These legislative measures facilitate the systematic repression of freedom of speech, and a disproportionate targeting of dissidents.

For these reasons, Alsalam Foundation calls on Oman to:

- Amend the Penal Code to allow for freedom of expression online and offline;
- Revise its Law to Counter Information Technology Crimes to foster and protect online expression and allow internet access without blocking content, in accordance with international human rights standards;
- Issue standing invitations to all thematic special procedures, as well as relevant regional mandate holders;
- Specifically, invite and facilitate visits from the UN Special Rapporteur on Freedom of Opinion and Expression together with the UN Special Rapporteur on the Situation of HRDs;
- Guarantee that the Law on Media and Publications enables full exercise of freedom of expression, in particular on the Internet;
- Allow for a more open expression of individual opinions, support the development of independent civil society organisations; and respond positively to public expression of popular demands.

⁶ Opinions adopted by the Working Group on Arbitrary Detention at its seventy-first session, 17-21 2014, No.53/2014, p.5, 16 September 2014, <https://docs.google.com/a/ishr.ch/file/d/0B186ebB9hhJUWTV4RWcteG5HUnM/preview?pli=>.

⁷ Oman: Events of 2018, World reports, Human Rights Watch, 20 March 2019, <https://www.hrw.org/world-report/2019/country-chapters/oman#>.

⁸ Oman: Letter to the Ministry of Foreign Affairs”, Human Rights Watch, paras.6-8, 24 September 2014, <http://www.hrw.org/news/2014/09/24/oman-letter-ministry-foreign-affairs>.

⁹ Penal Law promulgated by Royal Decree 7/2018, Ministry of Legal Affairs Oman, Government website, 21 November 2018, <http://www.mola.gov.om/eng/penallaw.aspx>.