



**Oman's Compliance with the Convention on the Elimination of All Forms of
Discrimination against Women:
The Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

**for the 87th Session of the Committee on the Elimination of Discrimination Against
Women**

29 January–16 February 2024

Submitted 2 January 2024

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Oman’s retention of the death penalty invites discrimination against women experiencing gender-based violence (List of Issues Paragraph 5).

1. This report provides the Committee with additional information relevant to paragraph 5 of the List of Issues, building off of the report the coauthors submitted at the List of Issues stage on 30 January 2023.¹ As discussed in that report, Oman retains the death penalty and does not limit the death penalty to the most serious crimes.² Oman executed at least one woman in 2020 for premediated murder and sentenced a woman to death in 2018 alongside her lover for allegedly plotting to kill the woman’s husband, even though the lover carried out the killing.³
2. The Committee asked Oman to provide information about any steps taken to abolish the death penalty.⁴ But the Omani Government’s reply provides no information, merely stating that the Omani Legislature approves the death penalty for very serious crimes, including some categories of murder.⁵ As the coauthors previously reported, Oman’s definition of a “serious crime” is very broad and includes drug-related offenses. Oman has suggested that the death penalty is a matter of state sovereignty; during the 77th session of the UN General Assembly, a representative of Oman, speaking on behalf of the Gulf Cooperation Council (GCC), noted that the death penalty was part of the domestic law of many countries and was part of the sovereign practices of the countries in the GCC, adding that all countries have the “right” to adopt their own domestic laws to ensure their security.⁶
3. The Committee also requested data on women on death row and asked for the following information: the crimes for which they were convicted; their age, nationality and ethnicity; whether they were responsible for any dependents; and whether they had any disabilities.⁷ In lieu of providing this information, the Government of Oman merely states that two women were executed from 2018-2022, and that no women with disabilities were executed.⁸ The reply does not state whether there are any women currently under sentence of death. Oman’s secrecy surrounding the death penalty prevents civil society from confirming the number of executions, death sentences, and persons under sentence of death. Amnesty International reports that Oman continues to carry out executions and sentence people to death.⁹

¹ The Advocates for Human Rights, the World Coalition Against the Death Penalty, and the Cornell Center on the Death Penalty Worldwide, *Oman’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, Jan. 30, 2023.

² *Id.* ¶¶ 2–5.

³ *Id.* ¶¶ 7, 9.

⁴ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5.

⁵ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 22.

⁶ United Nations, Meetings Coverage for the General Assembly (77th Session, 54th Meeting (PM)) (15 Dec. 2022). Available online at <https://press.un.org/en/2022/ga12483.doc.htm>.

⁷ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5.

⁸ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 23.

⁹ *Oman’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women*, (30 Jan. 2023), U.N. Doc. CEDAW/ICO/OMN/51485, ¶ 10.

4. The Committee also requested information regarding whether Omani courts treat gender vulnerabilities, “such as trauma, gender-based violence against women, coercion and dependency,” as mitigating factors when women are in conflict with the law and face a possible death sentence.¹⁰ In response, Oman cites Article 78 of its penal code, which states that rulings issued against offenders take into account lack of awareness or weakness to severe provocation or an exposed victim.¹¹ But Oman fails to explain how and whether this general code is interpreted to include gender-based violence, prolonged domestic violence, coercion and dependency as mitigating factors for women at risk of being sentenced to death.¹² Oman also provides no evidence to suggest that the justice system ensures that sentencing authorities consider vulnerabilities unique to women as mitigating factors.
5. The Committee also asked Oman to clarify whether the death penalty is applied to women who act in self-defense.¹³ In response, Oman cites its penal code and identifies conditions that must be met to determine whether a woman acted in self-defense—stating that there is no crime if there is a legitimate defense.¹⁴ The penal code states that the danger must be immediate and the defense must be proportionate to the attack. But Oman offers no explanation of what standards are applied to determine the immediacy and intensity of a threat, particularly for women who are victims of prolonged domestic violence. Indeed, the immediacy requirement suggests that a history of domestic violence would not be relevant unless the woman killed in self-defense at the moment when the abuser was using lethal force—a rare situation for women, who are typically much weaker than their abusers.
6. The Committee also asked Oman to clarify whether the law prohibits the execution of pregnant women and women who have infants.¹⁵ In response, Oman cites its code of criminal procedure and states that authorities stay the execution of a pregnant woman until she gives birth, and upon live birth, authorities stay the execution for two years.¹⁶ Further, Oman joined the Arab Charter on Human Rights (ACHR) in March 2023.¹⁷ The ACHR provides, in Article 7(2), that “[t]he death penalty shall not be inflicted on a pregnant woman prior to her delivery or on a nursing mother within two years from the date of her delivery.”¹⁸

¹⁰ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5.

¹¹ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 24.

¹² *Oman’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women*, (30 Jan. 2023), U.N. Doc. CEDAW/ICO/OMN/51485, ¶ 16.

¹³ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5.

¹⁴ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 25.

¹⁵ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5.

¹⁶ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 26.

¹⁷ Times of Oman, *Royal Decree ratifies Oman’s Joining Arab Charter on Human Rights*, (21 Mar. 2023). Available online at <https://cdn-3.timesofoman.com/article/128465-royal-decree-ratifies-omans-joining-arab-charter-on-human-rights>

¹⁸ Arab Charter on Human Rights, Article 7(2). Available online at <https://digitallibrary.un.org/record/551368?ln=en>

7. Oman also responded to the Committee’s question regarding whether Oman has any procedures in place to consistently provide women in conflict with the law with adequately resourced and qualified legal defense with prior expertise in capital cases.¹⁹ Oman affirms the necessity of appointing a lawyer to defend the accused in death penalty cases and states that the lawyer must possess the skills of an experienced appellate lawyer.²⁰
8. The Committee also asked Oman to provide detailed information on a case in reports before the Committee in which, in 2018, a woman was sentenced to death following the killing of her husband by her lover.²¹ The Committee further asked Omani authorities to provide the crime of conviction for the woman who was executed in 2020.²² In response, Oman asserted that it had committed to providing all data and indicators in its periodic reports and indicated that it would be possible for the government delegation to present a summary of an incident that has exhausted all levels of litigation during the constructive dialogue.²³

Suggested recommendations for the Government of Oman

9. The coauthors suggest that the Committee make the following recommendations to the Government of Oman:
 - Take concrete measures toward abolition of the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards, and in the meantime institute a *de jure* moratorium on executions.
 - In the meantime, ensure that the death penalty is an available punishment only for the most serious crimes, defined as an intentional killing committed by the person to be sentenced to death. Commute the sentences of any person sentenced to death for a crime that does not satisfy this definition.
 - On an annual basis, publish comprehensive data on all women under sentence of death and executed, disaggregated by crime(s) of conviction, age at the time of the offense, age of any dependent children, relationship to any victim and/or codefendants, sentence of any codefendants, nationality, profession, date of execution (if applicable), and current location (if applicable).
 - Take steps to provide heightened fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation with experience in capital cases and with training on gender-sensitive defense strategies.
 - In collaboration with civil society organizations specializing in gender-based violence, provide training to all defense counsel who take on capital cases regarding

¹⁹ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5.

²⁰ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 27.

²¹ Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5(f).

²² Convention on the Elimination of All Forms of Discrimination Against Women. *List of Issues and questions in relation to the fourth periodic report of Oman*, (6 Mar. 2023), U.N. Doc. CEDAW/C/OMN/W/Q/4, ¶ 5(f).

²³ Committee on the Elimination of Discrimination Against Women, *Replies of Oman to the list of issues and questions in relation to its fourth periodic report*, (5 Jun. 2023), U.N. Doc. CEDAW/C/OMN/RQ/4, ¶ 28.

gender-specific mitigation and how to raise discrimination against clients on the basis of their gender, when appropriate.

- Codify gender-specific defenses and mitigation in capital cases, encompassing women's experiences of trauma, poverty, and gender-based violence, including defenses applicable to victims of prolonged gender-based violence, regardless of imminence of harm at the time she acts in self-defense.
- Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, gender-based violence, and tactics of coercive control that may lead to women committing death-eligible offenses.
- Ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated.