OMAN

Oman’s Basic Law prohibits discrimination on the basis of gender at article 17.¹ Sharia law is recognised as the source of all legislation, and all civil courts have a Sharia department, which deals with matters relating to the personal status law.² Oman ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2006, but has not yet ratified the Optional Protocol.³ The country lodged a general reservation to all provisions in CEDAW not in accordance with Sharia law, and specifically made reservations against Article 9, paragraph 2 (granting women rights equal to men in respect to deciding their children’s nationality), Article 15, paragraph 4 (granting women equal freedom of movement and choice of domicile as men), Article 16, paragraph 1 (granting women equal rights regarding marriage and family life), and Article 29 (regarding arbitration of conflicts arising from the convention).⁴

1. Discriminatory family code

Family matters are governed by Personal Status Law (promulgated by Royale Decree No.32, 1997), which is based on Sharia law and assigns men and women different rights and responsibilities.⁵ Instead of a separate Sharia court system, all three tiers of the country’s courts system have a department of Sharia that deals with matters related to personal status (i.e. inheritance, marriage, divorce, child custody).⁶ The Personal Status Law (Art. 282) states that non-Muslims are able to follow their own religious laws in regard family matters.⁷

The minimum legal age of marriage is 18 for both men and women (Art. 7) although a judge may permit marriages to individuals under that age with proof that the latter is in the minor’s interest (Art. 10/c). Marriages under the legal minimum age cannot be registered, although customary law recognizes marriages below the age of 18.⁸ In addition, Articles 16 and 17 of the Personal Status law provide that full consent must be given. While recent data on the prevalence of early marriage is not available, the United Nations (using data from 2003) reports that 4.2% of 15-19 year old women were married, divorced, or widowed.⁹ The adolescent fertility rate is 14 births per 1,000 girls aged 15-19.¹⁰

In Oman, fathers and husbands are legally considered to be the heads of household (Personal Status Code, Art. 38) and customarily, wives are expected to follow her husband’s wishes in all things.¹¹ With regards to parental

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¹ CEDAW (2010) p.9  
⁶ UNICEF (2011) p.1  
⁸ UNICEF (2011) p.2  
¹⁰ UNICEF (2014) p.93  
authority, Article 36 of the Personal Status Code states that both spouses have the right to take care of their children and ensure their upbringing. In the event of divorce, Islamic law regards fathers as the legal guardians of the children, except in certain circumstances (e.g. if the mother is still breastfeeding). Sharia law provides for detailed and complex calculations of inheritance shares. Women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their share is generally smaller than that to which men are entitled. Female heirs, for example, inherit half as much as male heirs, unless a will has been left specifying otherwise. Women may also be reluctant to bring inheritance cases to court, for fear of causing conflict within the family.

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A dower is foreseen as one of the elements of the marriage contract (Arts 16 and 21-24), to be paid to the woman in exchange for her consent to marriage, although the Royal Decree No. 55/2010 prevents guardians from limiting women’s right to choose their husband freely. Muslim women are forbidden to marry non-Muslim men unless they convert; the reverse does not apply to Muslim men. In addition, both women and men need official permission to marry non-citizens. Beyond these restrictions, Omani women are free to choose their own marriage partners, but are expected to obtain their family’s approval before marrying.

Sharia law provides for polygamy, allowing Muslim men to take up to four wives. The Ministry of Religious Affairs estimates that one in 20 men are in polygamous unions. Men have the right to repudiate, or divorce their wives unilaterally, whereas women are only able to initiate divorce in a narrow range of circumstances, for instance abandonment. Women can also obtain a khula divorce, whereby they can obtain a divorce unilaterally if they agree to forfeit their dowry and any future financial support. As of 2006, the Committee on the Rights of the Child (CRC) noted that pregnancies outside of marriage are considered illegal in Oman, and children born to unmarried women are taken from their mothers and placed in alternative care, in order to ‘correct’ the woman’s immoral behaviour. It appears that this practice is ongoing.

12 Oman Personal Status (family) Law (2013)
14 World Bank (2013)
15 CEDAW (2010) p.39
16 UNICEF (2011) p.2
17 Idem
18 al-Talei (2010) p.343
20 al-Talei (2010) p.343
21 Idem
22 Idem
24 Rholetter (2013) p.914
27 CRC (2006) p.8
28 CEDAW (2011) p.2
2. Restricted physical integrity

There is no legislation in place in Oman specifically dealing with domestic violence, although Article 37 of Personal Status Law provides that a wife has the right to not be physically or mentally harmed by her husband. Acts of domestic violence may be punishable under assault, battery or aggravated assault, which carry a maximum prison sentence of three years. Although domestic violence goes unacknowledged in the media or in official reports, it is thought to be common. That said, incidents are rarely reported and there are no reliable statistics available as to either prevalence or attitudes. There are no specific mechanisms through which women may lodge complaints, get reparations or ensure prosecution of perpetrators of domestic violence; many women are also discouraged by societal pressure from seeking help outside the family and prosecutions are very rare. The state-controlled Omani Women’s Association (OWA) provides some limited assistance (in the form of counselling) to victims of domestic violence and there is a housing unit allocated as a temporary refuge for women subject to violence of any kind.

Rape is a criminal offence in Oman, punishable with up to 15 years in prison. The law does not recognise the concept of spousal rape. Women who are victims of rape risk being punished along with the perpetrator if they decided to press charges, and cases of rape are seemingly underreported. Reliable data on the prevalence of rape is not available, although in 2010, the police charged 227 individuals with rape or attempted rape. There is no specific data on conviction rates.

There is no specific law addressing sexual harassment, nor is sexual harassment addressed in other legislation. Although prevalence data on sexual harassment is not available, women are reportedly often reluctant to report sexual harassment in the workplace, for fear of being blamed for ‘immodest’ behaviour.

While female genital mutilation (FGM) is not a common practice in the country, it is believed to occur among some communities, notably in the Dhofar and Al-Batinah regions. At present, there is no specific legislation against FGM, although a government decree now forbids FGM/C and the practice is no longer permitted in government institutions. There is no recent available data on the prevalence of FGM/C, although the 2000 National Health Survey showed that 85% of women approve of the circumcision of girls; 45.5% of women have experienced a minor type of circumcision and 7.5% a major type.

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29 Idem, p.345; CEDAW (2010) p.55
30 US Department of State (2012)
31 al-Talei (2010) p.345
32 CEDAW (2011) p.5
35 US Department of State (2012)
38 US Department of State (2012)
41 UNICEF (2011) p.2; CEDAW (2010) p.3
42 CEDAW (2010) p.30
So-called ‘honour’ crimes occur in Oman, although it is unclear how prevalent they are. The law to some extent justifies these crimes by allowing for more lenient penalties when a crime is committed by a man in rage and/or in response to a wife or female relative’s involvement in “unlawful sexual relations” (such as adultery).  

Abortion is legal only in cases where the pregnant woman’s life is in danger.

Women in Oman have the right to use and obtain access about contraception, and do not, by law, need their husband’s permission to use health services, including family planning services. According to the 2000 National Health Survey (more recent data is not available), 25% of women reported using some form of modern contraception. Data on unmet need for family planning is not available.

3. Son bias

The male/female sex ratio at birth is 1.05 while the sex ratio for the working population (15-64) is is 1.31. Analysis of sex ratio data across age groups provides evidence that Oman is a country of low concern in relation to missing women and the situation is improving.

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Figures given in the 2014 UNICEF report indicate that under-five mortality rates are slightly higher for boys than girls. Gender-disaggregated statistics regarding immunisation rates are not available, but overall, immunisations appear to be nearly universal (97-99%, depending on the vaccine). There is no gender-disaggregated data regarding malnutrition rates.

According to UNICEF, gross primary and secondary enrolment ratios are almost equal for boys and girls (females as % of males: primary 98%, secondary 98%). In addition, the overall rate of female illiteracy fell from 21.9% in 2004 to 12.2% in 2011; youth literacy rates are 98% for both young men and women. These figures seem to indicate that Oman is not a country of concern with respect to son preference in regard to early childhood care or education.

4. Restricted resources and assets

Following changes to legislation in 2008, women acquired the right to obtain residential land without the condition that they be the sole providers of their families, or divorced or widowed, as was previously the case. In practice, however, husbands often make decisions regarding property and income owned by women and authorities are reluctant to intervene to uphold women’s rights in this area, seeing it as a private matter.

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44 UNDP (2010)
45 CEDAW (2010) pp.29, 37
46 Idem
47 Central Intelligence Agency (2013)
48 UNICEF (2014) p.33
49 Idem, p.45
50 Idem, p.75
51 CEDAW (2011) p.7; UNICEF (2011) p.3
53 Idem, p.346; Idem, p.34
According to a report published by the UN Food and Agricultural Organization, women own as little as 0.4% of the land.  

Under Omani law (Art 11, Basic Law), married and unmarried women have the right to own and manage non-land assets. The default marital property regime is separation of property and the original owner is legally entitled to administer their property during marriage.  

Women in Oman are legally entitled to open bank accounts, access to financial services (including bank loans), and to enter into various forms of financial contracts but social conventions mean that decisions regarding such activities are rarely made at the individual level, but rather by the family. It is reportedly difficult for women who are not heads of household to secure loans, although in 2008, the government issued instructions that all loans from the public housing bank should be distributed equally to men and women.

5. Restricted civil liberties

Women’s freedom of access to public space and freedom of movement is limited in Oman. For example, married women must obtain written permission from their husbands or male guardians in order to obtain a passport. According to Article 57 of the Personal Status Law, married women must live with her husband in the marital house and move with him, unless otherwise agreed in the marriage contract or if the move was intended to harm her.

Freedom of assembly and association are also restricted, and political parties are banned. It is very difficult for NGOs to operate freely in the country, and no human rights or women’s rights NGOs exist in Oman. The state-controlled Omani Women’s Association (OWA) engages in activities such as trainings for women, but does not address sensitive issues such as civil and political rights or women’s autonomy and security. In addition, the Ministry of Social Development supervises the OWA. More broadly, all public gatherings over nine persons require official permission and the government may prevent meeting without any appeal process. A number of activists, writers and bloggers have, in 2013, been fined and given prison sentences for being critical of the government.

Freedom of expression is also limited in Oman and criticism of the Sultan is prohibited - perpetrators can face prison sentences. While the government permits private print publications, many of these accept government subsidies and practice self-censorship. Little attention is given to women’s rights issues in the state-controlled

54 Cotula (2002 [2007]) p.54
56 World Bank (2013); CEDAW (2010) p.40
57 World Bank (2013); al-Talei (2010) p.346
58 Idem, p.354
60 World Bank (2013)
61 UNICEF (2011) p.3
62 Freedom House (2013)
64 Idem, p.339; UNICEF (2011) p.3
65 UNICEF (2011) p.3
66 Freedom House (2013)
67 Freedom House (2013)
media and journalists face intimidation and potential prison sentences for opinionated publication on politically sensitive topics.\textsuperscript{68}

The citizens of Oman do not have the right to change their government democratically.\textsuperscript{69} Women and men in Oman do have the same right to vote and stand for election to the partially-elected lower Consultative Council (which has no legislative powers and can only recommend changes to laws), and women have been registering to vote and as candidates in increasing numbers.\textsuperscript{70} There are no quotas in place for women in Oman. Following the 2011 elections, one woman was elected (for the first time) to the 84-seat Consultative Council. In the same year, the Sultan appointed 15 women to the 83 seat State Council.\textsuperscript{71} Women are currently banned from serving as judges.\textsuperscript{72}

Four women were elected to the first-ever 192 Municipal Council of Oman in 2012.\textsuperscript{73}

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Oman’s personal status law explicitly provides women with the legal right to work outside the home.\textsuperscript{74} In practice, women’s decisions regarding career choices are almost always made in consultation with male family members, and it is very difficult for a woman to take up a particular career if her family do not approve.\textsuperscript{75}

Women are entitled to 42 days paid maternity leave, financed by the employer.\textsuperscript{76} It is illegal to dismiss a pregnant woman from employment, but there is no law mandating equal remuneration for men and women for work of equal value.\textsuperscript{77} Women are also barred from working at night, apart from certain professions (e.g. medical staff), as well as from work that is hazardous to health, strenuous labour, or other work to be determined by decree of the Minister.\textsuperscript{78} Information is not available as to whether these laws are implemented. Overall, women’s participation in the labour force is low in Oman, with disapproval of women working outside the home reportedly a significant limiting factor.\textsuperscript{79} While women’s participation in the workforce has risen over the last twenty years, it remains relatively low, at 29\%.\textsuperscript{80}

In addition, Omani women may not transfer their citizenship to their foreign spouses or children.\textsuperscript{81}

\textsuperscript{68} al-Talei (2010) p.351; Freedom House (2013)
\textsuperscript{69} al-Talei (2010) p.351
\textsuperscript{70} Idem, p.350; CEDAW (2010) p.14
\textsuperscript{71} Inter-Parliamentary Union (2014)
\textsuperscript{72} al-Talei (2010) p.350
\textsuperscript{73} Gulf News (2012); OPEMAM (2012)
\textsuperscript{74} World Bank (2013)
\textsuperscript{75} al-Talei (2010) p.347
\textsuperscript{76} World Bank (2013)
\textsuperscript{77} Idem; CEDAW (2010) pp.25-26
\textsuperscript{80} CEDAW (2010) p.23; World Bank (n.d.) data: labor force participation rate, female
\textsuperscript{81} Idem
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