

OMAN



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Oman acceded to CEDAW in 2006, subject to a general reservation to provisions not in accordance with Sharia. It maintains reservations to Article 9(2) (nationality), Article 16(a), (c), (f) (family life), and Article 29(1) (arbitration).

Constitution

Article 17 of the Basic Law of the State provides that all citizens are equal before the law, and they are equal in public rights and duties. There shall be no discrimination between them, including on the grounds of gender.

NATIONALITY LAW

NATIONALITY

Women do not have the same rights as men to pass citizenship to their children or a foreign spouse.

CRIMINAL LAWS

Domestic violence

Oman has no domestic violence legislation.

Abortion for rape survivors

Abortion is prohibited by Articles 315–318 of the Penal Code, including for women who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. A policy directive prohibits FGM/C in government institutions.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Although there is no specific sexual harassment offence, indecent acts or gestures against women and girls are criminalized by Article 266 of the Penal Code.

Human trafficking

Oman adopted a comprehensive Anti-Trafficking Law in 2008.

Rape (other than of a spouse)

Article 257 of the Penal Code criminalizes rape, which is defined as “sexual intercourse with a male or female outside marriage without consent,” and is punishable by imprisonment from ten to 15 years.

Honour crimes: Mitigation of penalty

There is no specific provision in the Penal Code allowing for reduction in penalty for perpetrators of ‘honour’ crimes. The Article allowing for reduced penalties was annulled by Royal Decree No. 72/2001.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 255–256 of the Penal Code.

Exoneration by marriage

There is no marry-your-rapist law in Oman.

Adultery

Adultery is an offence under Article 259 of the Penal Code.

Sexual orientation

Homosexual conduct between consenting adults is criminalized by Articles 261–262 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The minimum age for marriage is 18 for males and females under Article 7 of the Personal Status Law. Marriage of persons aged less than 18 may be approved by a judge after verifying that the marriage would be beneficial.

Guardianship of children

Fathers are the sole guardians of children.

Male guardianship over women

Permission of a marriage guardian (wali) is required for a woman to marry. The guardian is required to conclude the marriage with her consent. Royal Decree 55/2010 prevents a guardian from obstructing a woman’s decision to marry her choice of husband and empowers the state to act as a guardian.

Custody of children

After divorce or separation, the mother retains custody of her son until he is seven and her daughter until she reaches puberty.

Marriage and divorce

The Personal Status Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul’a divorce without grounds if she forgoes financial rights.

Inheritance

The Personal Status Law defines the rules of inheritance, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is permitted by the Personal Status Law.

LABOUR LAWS

Right to equal pay for the same work as men

Article 80 of the Labour Law requires that women and men must be paid equal wages for the same work.

Domestic workers

Domestic workers are not covered by the protections of the Labour Law. Ministerial Decision No. 189/2004 issued by the Minister of Manpower addresses employment of domestic workers. Ministerial Decision No. 1/2011 regulates the agencies involved in the recruitment of domestic workers.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 84 of the Labour Law.

Paid maternity leave

Under the Labour Law, women are entitled to 50 days of maternity leave, which is paid by the employer. This is less than the ILO standard of 14 weeks.

Legal restrictions on women’s work

Regulations issued under the Labour Law impose legal restrictions on women’s employment in some occupations considered arduous or hazardous. Women are also prohibited from night work except in roles specified by the Minister.