



Shared Prosperity Dignified Life



## Country matrix – Oman 2024

The country matrix adopts and adheres to the coding standards adopted in the “Gender Justice and the Law” initiative.



# General framework of the State

## **Has the State ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?**

The Sultanate of Oman joined the Convention in 2006 but entered a general reservation to the clauses which are not consistent with Islamic Shariah. Oman also entered reservations to article 9 (2) (nationality), article 16 (1) (a)–(c) and (f) (family life), and article 29 (1) (arbitration).

## **Does the Constitution refer to gender equality and non-discrimination?**

Article 21 of the Basic Law of Oman provides that all citizens are equal before the law and share the same public rights and duties. There shall be no discrimination between them including on the basis of sex.

## **If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender equality or non-discrimination?**

Customary law is not a source of law under the Omani Basic Law.

## **If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?**

Article 2 of the Omani Basic Law provides that Islamic Shariah law is the basis for legislation. Neither legislation nor case law addresses the validity of the Personal Status Law if it conflicts with constitutional provisions on equality.

## **Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?**

The law does not define the mandate and jurisdiction of informal justice systems.

## **Is there a law on discrimination that prohibits both direct and indirect discrimination against women?**

There is no specific law on direct and indirect discrimination against women.

## **Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?**

Oman has not developed a national action plan or policy regarding violence against women and girls.

## **Are there budgetary commitments provided for by government entities for**

## **the implementation of legislation addressing violence against women and girls by allocating a specific budget, funding and/or incentives to support non-governmental organizations for activities to address violence against women and girls?**

There are no budgetary commitments for the implementation of legislation addressing violence against women and girls.

## **Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?**

Oman's Health Vision 2050 covers some but not all aspects of sexual and reproductive health services, including maternal health care. There are no specific restrictions in terms of marital status or requirement for third-party permission to access some services.

## **Is legal aid mandated or guaranteed in criminal matters?**

Article 28 of the Basic Law provides that the right to legal aid in criminal matters is established by the Omani Primary Law and the Law on the Legal Profession.



### **Is legal aid mandated or guaranteed in civil/family matters?**

Article 28 of the Basic Law provides that the right to legal aid in criminal matters is

established by the Omani Primary Law and the Law on the Legal Profession.

### **Are there laws that explicitly require the production and/or**

### **dissemination of gender statistics?**

There is no law in Oman that requires the production or dissemination of gender statistics.

## Legal capacity and public life

### **Do women and men have equal rights to apply for passports?**

The Code of Civil Procedure adopts gender-neutral language to define the passport application requirements for Omani citizens such that women and men can apply equally for passports.

### **Do women and men have equal rights to obtain an identity card?**

Pursuant to Royal Decree 59/2021, "Every Omani over 10 years old must obtain an identity card whereas those aged 10 or under may obtain an identity card with the consent of their legal guardian. Foreigners residing in the Sultanate of Oman must obtain a residence card. The implementing regulation shall define the form of the card, the information it must contain, the term of its validity, the application procedures and the documents required for an application."

Ministerial Decision 235/2021 clarified that an identity card must be issued for both sexes after the age of 10.

### **In civil law matters and procedures, are women required to obtain**

### **permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?**

Women are not required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action. The Omani Primary Law asserts that all citizens are equal before the law and that laws governing civil, commercial and criminal procedures do not include any gender restrictions.

### **In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?**

Women cannot themselves initiate legal proceedings for certain matters related to the personal status/family law. The father has priority in reporting and registering the birth of a newborn child under the Civil Code but women have equal rights in reporting deaths, marriage or divorce. Usually, women have to obtain permission from their legal guardian to get married.

### **Does a woman's testimony carry the same evidentiary weight in court as a man's?**

In most cases, a woman's testimony in court carries the same evidentiary weight as a man's but there are still exceptions in some family matters. Article 28 of the Personal Status Law requires the presence of two adult male witnesses for the conclusion of a marriage contract.

### **Can a woman enter into a contract the same way as a man?**

The Civil Transactions Law adopts gender-neutral language to define the legal eligibility to sign contracts or implement any civil transaction and only requires that the age of legal eligibility of 18 years has been reached.

There are no restrictions specifically for women.

### **Do women and men have equal rights to own, access, and control or use of property?**

There is a legislative ownership system which asserts that men and women have equal rights to own, access, control and use property. Article 14 of the Omani



Basic Law asserts that the right to ownership is private, and the Civil Transactions Law uses gender-neutral language to assert this right. Article 1 of the Law on Land Ownership asserts the right of women and men equally to own, access, control and use land.

**Does the law allow for women to register businesses the same way as men?**

The Commercial Law adopts gender-neutral language in defining the eligibility and capacity to conduct commercial

activities, enter into commercial contracts and become a businessperson.

**Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?**

Women and men enjoy equal rights to hold public office in the judiciary and senior executive offices such as ministers and members of parliament. However, article 5 of the Omani Primary Law explicitly excludes women from holding the office of Head of State.

**Are there quotas for women (reserved seats) in the national parliament?**

There are no legal provisions for gender-based quotas for seats or for the list of candidates for the Shura Council.

**Is there a law that explicitly prohibits violence against women in politics and elections?**

There is no law that prohibits any form of violence against women specifically in politics and elections.

## Protection from violence against women and girls in the public and private spheres

**Is there legislation on domestic violence that includes all forms of physical violence?**

No law on protection from domestic violence exists that includes all forms of physical violence.

**Is there legislation on domestic violence that includes all forms of sexual violence?**

No law on protection from domestic violence exists that includes all forms of sexual violence.

**Is there legislation on domestic violence that includes all forms of psychological/emotional violence?**

No law on protection from domestic violence exists that includes all forms of psychological/emotional violence.

**Is there legislation on domestic violence that includes all forms of financial/economic violence?**

No law on protection from domestic violence exists that includes all forms of financial/economic violence.

**Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?**

There are no legal provisions for protection orders for victims of violence.

**Does the law allow mitigating circumstances for femicide?**

There is no specific clause in the Penal Code allowing mitigating circumstances for perpetrators of "honour" crimes. The article which did allow reduced punishments was repealed by Royal Decree 72/2001.

**Does the law criminalize female genital mutilation (FGM) or cutting if practised?**

According to the Child Law, FGM by any method is considered harmful to a child's health and any offender shall be punished by a prison sentence.

**Does the law criminalize adultery?**

Article 259 of the Penal Code criminalizes adultery.



**Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?**

Pursuant to article 263 of the Penal Code, sexual intercourse shall be deemed complete upon penetration of the male organ, however slight, into the genital or anal opening whether or not accompanied by the ejaculation of semen.

**Does the law criminalize marital rape?**

There are no legal provisions criminalizing marital rape.

**Does the law include exoneration if the offender marries his victim?**

No law exists in Oman that exonerates the rapist if he marries his victim.

**Is sexual harassment defined in any legislation?**

Despite the fact that sexual harassment is not defined in Omani law, inappropriate acts or gestures against women and girls are criminalized under article 266 of the Penal Code.

**Is there a provision in the law that criminalizes cyberviolence against women and girls?**

There is no provision in the law that specifically targets cyberviolence against women and girls, but there are provisions that can be applied to both men and women. The

Cyber Crime Law punishes various acts which constitute a violation, defamation and infringement of privacy and which expose the safety of the individual, male or female, to danger over the Internet.

**Are sex work and prostitution criminalized?**

Prostitution is prohibited under articles 255 and 256 of the Penal Code.

**Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?**

In 2008, Oman passed a comprehensive law combating human trafficking which included punitive provisions.

## Employment and economic benefits

**Does the law mandate non-discrimination against women in employment?**

Article 80 of the Labour Law explicitly provides that "all provisions regulating the employment of workers shall apply to women without discrimination between them for the same work."

**Does the law mandate equal pay for the same work as men?**

Article 80 of the Labour Law mandates that women and men are paid equally for the same work.

**Does the law mandate equal remuneration for work of equal value?**

There is no explicit clause on equal remuneration for men and women for work of equal value.

**Does the law allow women to do the same jobs as men?**

According to article 81 of the Labour Law, there are legal restrictions imposed on women in relation to hard labour and specific professions.

**Does the law allow women to work the same night hours as men?**

According to article 82 of the Labour Law, there are legal

restrictions imposed on women for working at night.

**Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?**

Thirty years is the minimum number of years of service required by all laws, regulations and by-laws in force to qualify for optional retirement. This provision does not apply to those who have already completed 20 years of service on the issue date of the social protection law.

**Do national labour and civil service-related laws grant**



### **men and women equal rights to pass on their pensions to their spouses?**

The Law on Social Security provides that a husband is entitled to his wife's pension if he has a disability preventing him from working.

### **Does the law prohibit dismissal during pregnancy and maternity leave?**

Under Article 12 of the Labour Law amended in 2023, an employer's termination of an employment contract is considered as an arbitrary dismissal of a working woman if the dismissal is based on the working woman's sex, pregnancy, childbirth or breastfeeding.

### **Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?**

The amended Labour Law of 2023 now grants 98 days of paid maternity leave to working women, in accordance with the standard set by the International Labour Organization.

### **Does the law provide for paid paternity leave available to fathers?**

The amended Labour Law of 2023 now provides a 7-day paid paternity leave to fathers, provided that the child is born alive and that the leave does not exceed the 98th day of the child's life.

### **Does the State provide or subsidize childcare facilities?**

There is not publicly provided or subsidized childcare in either the public or private sectors.

### **Does legislation tackle sexual harassment in the workplace?**

The Labour Law does not include a specific provision prohibiting sexual harassment in the workplace. However, it is possible to rely on the provisions of article 266 of the Penal Code, which criminalizes inappropriate acts committed against women and can be applied in various contexts.

### **Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?**

Article 41 of the Labour Law asserts a worker's right to leave their employment before the end of their contract without prejudice to any of their rights

and after having notified their employer in several situations, including if their employer or someone representing them commits an immoral act against the worker or if the worker is assaulted by their employer or the employer's representative.

It is also possible to rely on the Penal Code in civil compensation claims which a woman may submit within her criminal case.

### **Does the Labour Law provide protection for domestic workers?**

The protection provided under the Labour Law does not cover domestic workers. Ministerial Decree 189/2004 issued by the Minister of Labour addresses the employment of domestic workers. Ministerial Decree 1/2011 regulates domestic worker recruitment agencies.

### **Is there a public entity that can receive complaints on gender discrimination in employment?**

There is no public entity that can receive complaints on gender discrimination in employment. However, victims can resort to national mechanisms to seek remediation.

## Family matters (personal status)

### **Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?**

The minimum age for marriage is 18 for men and women. The judge can agree to the marriage

of an individual under this age after investigating the benefit of the marriage.

### **Is marriage under the legal age void or voidable?**

The Personal Status Law provides that the legal age for marriage is 18 but it does not include any provisions on voiding the marriage contract if a party is underage.



**Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?**

The Personal Status Law requires a husband to support his wife and in return the wife owes submission to her husband (nafaqaa). The husband has the right to divorce. The wife has the right to divorce for specific reasons. She can also apply to receive a khula divorce without reasons if she forfeits her financial rights from nafaqaa.

**Does the law prohibit polygamy?**

The Personal Status Law permits polygamy.

**Do women and men have equal rights to be legal guardian of their children during and after marriage?**

Fathers are the sole guardians of their children.

**Does the law grant women and men equal custody rights of their children?**

After divorce or separation, the mother retains custody of her sons until they reach the age of 7 and of her daughters until they reach the age of majority.

**Do women and men have equal rights to choose where to live?**

There are general legal provisions that assert equality

before the law between women and men, including choosing where to live (place of residence). Article 18 of the Omani Primary Law confirms freedom of movement and freedom to specify their place of residence for every individual. However, according to article 57 of the Personal Status Law, a married woman must move to the place of the marital home with her husband unless there is a requirement to do otherwise or if the intent of this move is to oppress her. A married woman loses her right to (financial) maintenance if she refuses to move to the marital home without a justified reason.

**Do women and men have equal rights to choose a profession?**

Women and men have equal rights to choose a profession. There are no restrictions on the types of jobs women can do.

**Do women and men have equal rights to own, access, and control or use marital property including upon divorce?**

Islamic Shariah law is adopted as the principle for separating property between spouses. Each spouse can own, access, and control or use their own possessions independently from the other during and after marriage.

**Where rights to inheritance are enshrined by law, do women and men have equal rights?**

The Personal Status Law defines rules on inheritance which follow the principles of Islamic Shariah law. A woman has the right to inheritance but in many cases she receives less than the man, and girls are entitled to half the entitlement of boys.

**Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?**

Pursuant to the Civil and Commercial Procedures Law, the primary courts are responsible for hearing personal status/family disputes. However, there is no provision that guarantees equal rights for men and women.

**Do women have equal rights as men to pass their nationality to children?**

Women do not have the rights that men enjoy to pass on their nationality to children.

**Do women have equal rights as men to pass their nationality to a foreign spouse?**

Women do not have the rights that men enjoy to pass on their nationality to their foreign spouse.



# Sexual and reproductive health and rights

**Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status and without third-party authorization?**

The Law on Children guarantees access to maternal health care. Women have the right to use all health services, especially those available to mothers, without obtaining consent from the father or husband. A woman is not required to obtain consent for any surgical interventions or other interventions relating to her.

**Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?**

Contraceptive methods are included within the national health programme. Women are entitled to use all health services without obtaining consent from their legal guardian, whether he is their father or husband. A woman does not need to obtain consent for any surgical interventions or other interventions relating to her. The husband's consent is only required in relation to genital cutting. However, contraceptive

services are available to married or unmarried women.

**Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?**

Emergency contraceptive services are provided within the birth control programme within primary health-care services. They have been included for emergencies within the national health workers' manual. They are available without restrictions.

**Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?**

Abortion is illegal except if it is medically necessary as decided by a specialist medical committee. Permission must be obtained from the woman to carry out the abortion. Abortion is not permitted in the event of rape or incest.

**Irrespective of the legal status of abortion, do law(s)**

**or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and without third-party authorization?**

Access to post-abortion care is not addressed in any law or regulation.

**Do law(s), regulation(s) or national policies exist that make comprehensive sexual health education a mandatory component of the national school curriculum?**

Comprehensive sexual health education is not mandated in the national school curriculum by any law(s) or regulation(s).

**Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?**

HIV testing is available for men and women. There are services specifically for women.

**Does the law criminalize consensual same-sex sexual conduct?**

Consensual same-sex sexual conduct between adults is criminalized under articles 261 and 262 of the Penal Code.