

## OMAN<sup>1</sup>

### OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES (Updated as at 31 May 2017)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p><b>Equality of spouses in marriage</b></p> <p><i>Is there a Constitutional provision on equality and are there exceptions? Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncoded? If codified, what are the titles of all the applicable laws? If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or are there different codified laws for different sects within Islam? If uncoded, or if codified laws do not sufficiently address a particular issue, how is the issue addressed e.g. what Muslim school of law is applicable? Do these laws explicitly state gender-stereotypical roles</i></p>	<p>Article 17 of the Basic Law states that all Omanis are equal and that there shall be no discrimination amongst them on a number of basis, including gender.<sup>2</sup></p> <p>Article 12 of the Basic Law states that the family is the basis of the society and commits the law to provide for the means to: (i) protect it; (ii) preserve its legitimate entity; (iii) strengthen its ties and values; (iv) safeguard its members; and (v) provide suitable conditions to develop their potential and capabilities.<sup>3</sup></p> <p>The Omani Personal Status Law (OPSL) is the main codified law that governs matters relating to marriage and family relations of the Muslim majority population in Oman.<sup>4</sup> In the absence of codified</p>		<p>Oman has the following reservations to CEDAW:<sup>9</sup></p> <ul style="list-style-type: none"> <li>• A general reservation stating: “All provisions of the Convention not in accordance with the provisions of the Islamic <i>Shari’ah</i> and legislation in force in the Sultanate of Oman”; and</li> <li>• Specific reservations to Articles 9(2), 15(4) and 16(a), (c) and (f).</li> </ul>		<p>According to the 2016 UNDP Human Development Report, Oman ranked 52 on the UNDP Human Development Index and 54 on the UNDP Gender Inequality Index.<sup>13</sup></p> <p>According to the National Centre for Statistics and Information (NCSI), in 2010, about 7% of households in Oman are headed by women.<sup>14</sup></p>

<sup>1</sup> This Musawah project to map Muslim Family Laws globally was led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this Oman country table, we would also like to thank Kierra Jones and Cassandra Rasmussen from Harvard Law School, and Jihan Safar and Fatma Kharusi for their inputs in its preparation.

<sup>2</sup> Article 17 of Oman’s Basic Law (1996), [https://www.constituteproject.org/constitution/Oman\\_2011.pdf](https://www.constituteproject.org/constitution/Oman_2011.pdf)

<sup>3</sup> Article 12 of Oman’s Basic Law (1996), [https://www.constituteproject.org/constitution/Oman\\_2011.pdf](https://www.constituteproject.org/constitution/Oman_2011.pdf)

<sup>4</sup> Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<p><i>between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>laws that sufficiently address a particular matter of personal status of Muslims, according to Article 281(d) of the OPSL, “the rules of the Islamic religion that are most suitable” apply.<sup>5</sup> Generally, Islam in Oman is influenced by the rules of Ibadi jurisprudence (<i>fiqh</i>).<sup>6</sup></p> <p>Despite the equality guarantee of Article 17 of the Basic Law, the OPSL provides for a marital framework based on ‘reciprocal’ or ‘complementary’ rights (as opposed to ‘equal’ rights) between the two spouses, whereby in return for maintenance and protection from her husband, a wife is expected to obey him. Thus.<sup>7</sup></p> <ul style="list-style-type: none"> <li>Article 4 of the OPSL defines marriage as “a legal contract between a man and woman, the purpose of which is to establish a stable family under the patronage of the husband”;</li> </ul>		<p>The Government of Oman in its 2010 report to the CEDAW Committee explained that:<sup>10</sup></p> <ul style="list-style-type: none"> <li>The OPSL is derived from <i>Shari’ah</i>, which is the fundamental source of legislation as stated in the Basic Law;</li> <li>Non-Muslim personal status matters are governed by their own provisions, unless they request that the OPSL be applied to them;</li> <li>Marriage is the foundation of the</li> </ul>		
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<sup>9</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&clang=en)  
<sup>13</sup> UNDP, “Human Development Report 2016”, Table 5, pp. 214-217, [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)  
<sup>14</sup> Times News Services, “More than 82 percent Omani families have own houses: Study”, *Times of Oman*, 6 July 2015, <http://timesofoman.com/article/62828/Oman/Omanisation/82-per-cent-of-families-in-Oman-have-own-houses-reveals-a-study>  
<sup>5</sup> Article 281(d) of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)  
<sup>6</sup> Ministry of Endowment and Religious Affairs Website, <http://www.mara.om/religion-in-oman/ibadism/>  
<sup>7</sup> Articles 4, 36-38, 49, 54 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)  
<sup>10</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 235-247, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<ul style="list-style-type: none"> <li>• Article 36 promotes mutual gratification, respect and affection between spouses for the good of the family;</li> <li>• Article 37 provides that a husband must; (i) provide his wife with adequate financial maintenance (<i>nafaqa</i>); and (ii) permit her to visit her parents and close relatives as well as retain her family's name. The husband is also not entitled to his wife's private money and she is allowed to deal with it as she pleases;</li> <li>• Article 38 provides that the husband is entitled to: (i) receive the attention and obedience of his wife, as the parent of the family; and (ii) his wife's duty to be responsible for the home and looking after their children.</li> <li>• Article 49 reiterates the husband's duty to provide his wife with adequate financial maintenance even if she is rich; and</li> </ul>		<p>family and no other manner of forming a family is recognised, including cohabitation or partnership.</p> <p>In its 2016 report to the CEDAW Committee, the Omani government affirmed its commitment to strive to achieve equality in all matters relating to marriage and family relations, citing examples of reforms in the laws as evidence of it.<sup>11</sup></p> <p>In addition, the Omani government informed that:<sup>12</sup></p> <ul style="list-style-type: none"> <li>• The Council of Minister has agreed in principle to withdraw Oman's reservation to Article 15(4) of</li> </ul>		
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<sup>11</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 19, 174, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>12</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 20-21, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<ul style="list-style-type: none"> <li>Article 54 states that the wife risks losing her financial maintenance if she: (i) prevents her husband from approaching her; (ii) refuses to move to the marital home without a <i>Shari'ah</i> based reason; (iii) leaves the marital home without valid a <i>Shari'ah</i> based reason; (iv) prevents her husband from entering the martial home without a valid reason; (v) refrain from travelling with her husband without a valid reason.</li> </ul> <p>Marriage and family relations of Oman's non-Muslim minority communities are governed by their own laws as per Article 282 of the OPSL.<sup>8</sup></p>		<p>CEDAW on the requirement for equality between women and men with regard to laws relating to freedom of movement and to choose their residence and domicile, "on condition of the necessary measures to put into effect its decision in this regard according to the Basic Law of the State";</p> <ul style="list-style-type: none"> <li>After the State party's accession to CEDAW, the Convention became a national law by virtue of Article 80 of the Basic Law. As such, "the principles of non-discrimination and equality have been incorporated in all</li> </ul>		
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<sup>8</sup> Article 282 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

			laws promulgated subsequently and are taken into account in policymaking and in the preparation of national strategies, plans and programmes.”		
<p><b>Minimum and equal legal age for marriage</b></p> <p><i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with exceptions to 16)? Is there an absolute minimum age without exceptions? Is there equality in the minimum age of marriage? Does the minimum age of marriage match the age of majority? Is there a minimum age verification process before the marriage is concluded?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(2) Paras. 36-39 GR21</p>	<p>The minimum legal age for marriage is 18 for females and males as per Article 7 of the OPSL. However, Article 10c provides that a judge may permit girls and boys below 18 to marry after verifying that the marriage would be beneficial.<sup>15</sup></p> <p>The law does not stipulate an absolute minimum age below which a judge may not authorise a marriage.</p> <p>The minimum legal age for marriage matches the legal age of civil majority. Under Article 139 of the OPSL, the legal age of civil majority is also 18 for both females and males.<sup>16</sup></p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee stated that:<sup>17</sup></p> <ul style="list-style-type: none"> <li>Although custom recognises marriages below 18, the registrar of marriages does not. Consequently, it is forbidden to register a marriage where a partner is under 18; and</li> </ul>	<p>Minimum age verification is conducted by a judge who confirms the age of both parties at the time of contracting the marriage. In addition, both parties are required to present proof of their identity (which includes age) to the registrar of marriage prior to the registration of the marriage.<sup>18</sup></p>	<p>According to Oman’s 2014 Multiple Cluster Indicator Survey, about 18% of women aged 20-49 in Oman were first married by 18 and 6% of women aged 15-49 who were married by 15. In addition, about 3% of women aged 15-19 are married, a sharp decrease.<sup>19</sup></p> <p>According to UN World Marriage Data 2015, the average age of first marriage</p>

<sup>15</sup> Articles 7, 10c of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>16</sup> Article 139 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>17</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 239-240, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>18</sup> Ministry of Justice, “Request for a Marriage Certificate”, <https://www.moj.gov.om/ar/marriagedocument.aspx>

<sup>19</sup> Omani National Centre for Statistics Information & UNICEF, “Oman Multiple indicator Cluster Survey 2014”, p. 11, <https://mics-surveys->

			<ul style="list-style-type: none"> <li>Child marriages which are concluded through an agreement between the fathers of the children concerned is socially and legally unacceptable and is not practiced at all in Omani society.</li> </ul>		among Omani females rose from 24.8 in 2003 to 25.6 in 2010 but fell from 28.1 to 27.7 among males during the same period. <sup>20</sup>
<p><b>Women's consent to marriage</b></p> <p><i>Is a marriage valid without the woman's consent? Is the practice of forcing women to marry against their will (ijbar) prohibited? Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the contract that ought to be highlighted on the basis that it advances women's rights or otherwise? Is it mandatory to register a marriage?</i></p>	<p>Regardless of their age, both prospective brides and grooms must consent to the marriage. Consequently, <i>ijbar</i> marriages are prohibited.</p> <p>Article 16 of the OPSL states that the basic tenets of a valid marriage contract are: (i) the offer and acceptance; (ii) the guardian (<i>wali</i>); (iii) the dower (<i>mahr</i>); and (iv) the marriage document.<sup>21</sup></p> <p>Articles 17 requires a marriage to</p>		<p>The Government of Oman in its 2010 and 2016 reports to the CEDAW Committee emphasised that a woman has: (i) the freedom to choose her life partner; and (ii) a marriage may only be contracted with her agreement. Consent of both spouses to marriage</p>	<p>There is a standardised marriage contract. It is available on the Ministry of Justice website.<sup>27</sup></p> <p>The procedure for registration of marriages is available on the websites of the Omani e-Government<sup>28</sup> and</p>	

<sup>20</sup> [prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR\\_English.pdf](http://prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR_English.pdf)  
 United Nations Population Division, "World Marriage Data 2015", <https://esa.un.org/ffps/Index.html#/maritalStatusData>  
<sup>21</sup> Article 16 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)  
<sup>27</sup> Ministry of Justice Website, <https://www.moj.gov.om/ar/marriagedocument.aspx>  
<sup>28</sup> Oman e-Government Website, <https://goo.gl/F8dzaH>

<p><u>Applicable CEDAW Provision</u> Article 16(1)(b) Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>be contracted by the offer of one party and the consent of another which may be clearly indicated either verbally or in writing. In the event that the prospective bride or groom is not able to speak and write, consent may be indicated in recognisable gesture. Article 18 provide further details on the requirements of a valid consent.<sup>22</sup></p> <p>Article 19 provides that a woman’s marital guardian (<i>wali</i>) may only conclude her marriage with her consent.<sup>23</sup></p> <p>The mandatory registration of marriages is provided for in Article 6 of the OPSL which requires a marriage to be officially documented. However, non-registration of a marriage does not necessarily invalidate the marriage. Article 6 also provides that a marriage may be proven by other evidence or corroboration.<sup>24</sup></p>		<p>is “the first principal of marriage” and “a basic foundation without which no marriage may be concluded”.<sup>25</sup></p> <p>In its 2016 report to the CEDAW Committee, the Omani government also explained that:<sup>26</sup></p> <ul style="list-style-type: none"> <li>• Marriages must be recorded in an official register as stipulated in Article 6 of the OPSL;</li> <li>• Article 14 of the Notary Public Law stipulates that: “The notary public shall prepare, based on the concerned party’s request,</li> </ul>	<p>the Ministry of Justice.<sup>29</sup></p>	
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<sup>22</sup> Articles 17-18 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>23</sup> Article 19 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>24</sup> Article 6 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>25</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 174; Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 238, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>26</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 181, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>29</sup> Ministry of Justice Website, <https://www.moj.gov.om/ar/marriagedocument.aspx>

			<p>marriage documents and divorce certificates according to the procedures issued by decree of the Minister”; and</p> <ul style="list-style-type: none"> <li>• The Minister of Justice issued Decree No. 171/2003 regulating the procedures for documenting marriage contracts and divorce certificates. A woman has the same right as a man regarding procedures for documenting marriage contracts and divorce certificates.</li> </ul>		
<p><b>Women’s capacity to enter into marriage</b></p> <p><i>Is consent of a marital guardian (wali) required? If so, can a woman choose her own wali? Can a</i></p>	<p>Regardless of her age, a prospective bride requires the consent of a marital guardian (<i>wali</i>) to enter into marriage. The guardian must be a Muslim and a male relative of the prospective bride (e.g.</p>		<p>The Government of Oman in its 2016 report to the CEDAW Committee asserts that a woman has the</p>		



<p><i>woman go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her marital rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>grandfather, father, brother, uncle, etc.). The prospective bride must consent to the choice of guardian.<sup>30</sup></p> <p>A judge can act as guardian in the absence of male relatives.<sup>31</sup> In addition, if the guardian opposes the marriage, the prospective bride may seek the authorisation of a judge to get married. The judge may authorise the marriage after providing the guardian with the opportunity to be heard and determining that the prospective bride's guardian's objections are not justifiable.<sup>32</sup></p> <p>Pursuant to Article 5 of the OSPL, both spouses may stipulate any condition in their marriage contract so long as the conditions: (i) are made in writing; (ii) are not inconsistent with the purposes of marriage; (iii) do not involve anything that is forbidden in Islam (<i>haram</i>); and (iv) do not prohibit anything that is allowed in Islam (<i>halal</i>). An aggrieved spouse may file for divorce for breach of a</p>		<p>same capacity as a man to conclude a marriage contract. While the validity of a marriage contract is conditioned on the presence of the woman's guardian, if the prospective bride insists on marrying the same person despite her guardian's objection she may submit the matter to the competent judicial authorities for a decision. The Omani government explained that the Royal Decree No. 55/2010:<sup>34</sup></p> <ul style="list-style-type: none"> <li>• Establishes a woman's right to resort to the judiciary if her guardian objects to her fiancé; and</li> </ul>		
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<sup>30</sup> Articles 10(a), 11, 19-20 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>31</sup> Article 13 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>32</sup> Articles 10(a)-(c) of the Personal Status Law, [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf); Royal Decree 55/2010, <http://www.omanlegal.net/vb/showthread.php?t=3091>

	<p>condition in the marriage contract.<sup>33</sup></p>		<ul style="list-style-type: none"> <li>• Accords a woman the right to appeal a judgment that denies her application to marry to the Sultan in a petition submitted to the Diwan of the Royal Court within 30 days of the issuance of the judgment.</li> </ul> <p>In addition, the Omani government explained that a woman who has filed a case for a judge to authorise her marriage and who fear abuse may seek protection from her guardian pending resolution of her case by staying in the State-run safe house, the <i>Dar al Wifaq</i> (House of Harmony). The <i>Dar al Wifaq</i> may also help to</p>		
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<sup>34</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 174, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>33</sup> Article 5 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

			reconcile parties in the dispute. <sup>35</sup>		
<p><b>Polygamous marriages</b></p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar) recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>	<p>A Muslim man may marry up to four wives at one time without much restrictions.</p> <p>Article 35(2) of the OPSL prohibits a man from marrying more than four wives at one time.<sup>36</sup></p> <p>Article 37(6) requires the husband to ensure a sense of equity and fairness between wives if he has more than one wife.<sup>37</sup></p> <p>Article 58(a) provides that the husband has the right to require his wife to live with his parents and children from other wives in the martial home as long as he is able to support them and provided that she would be harmed by such requirement.<sup>38</sup></p> <p>Article 59 prohibits the husband from requiring his wife to live with his other wives in the marital home others unless she agrees. The wife has the right to change her mind if she deems the presence of the other wives as</p>		<p>The Government of Oman in its 2016 report to the CEDAW Committee explained that the OPSL regulates the terms and conditions under which a Muslim man may marry more than one woman as follows:<sup>41</sup></p> <ul style="list-style-type: none"> <li>• The law requires equitableness among wives in a polygamous marriage; and</li> <li>• Article 59 of the OPSL states that a husband may not house his wife, without her consent, with a second wife in the same dwelling. The first wife may withhold</li> </ul>		<p>According to Oman's 2014 Multiple Cluster Indicator Survey, about 5% of marriages in Oman are polygamous.<sup>43</sup></p> <p>According to a media report, polygamous marriages are on the rise in Oman for unjustifiable reasons such as men needing "to keep [their] libido up", thus harming women both emotionally and financially.<sup>44</sup></p>

<sup>35</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 174, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>36</sup> Articles 35(2) of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>37</sup> Article 37(6) of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>38</sup> Article 58(a) of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

	<p>being detrimental to her interests.<sup>39</sup></p> <p>The law is silent on the prohibition or otherwise of temporary marriages. Article 39 of the OPSL states that a marriage is either valid or invalid. Article 40 states that a valid marriage is one whose basic tenets and conditions are fulfilled.<sup>40</sup></p>		<p>consent if she would be damaged by such an arrangement.</p> <p>In addition, the Omani government explained that there are no conditions that would lead to a wife's loss of her financial rights if her husband marries another woman.<sup>42</sup></p>		
<p><b>Divorce rights</b></p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without reason and without having to go to court? What are the main forms of divorce? Can all forms of divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife?</i></p>	<p>The OPSL provides for three different mechanisms for divorce: (i) unilateral repudiation by the husband (<i>talāq</i>); (ii) judicial divorce; and (iii) redemptive divorce (<i>khul'</i>). The marriage may also be annulled.<sup>45</sup></p> <p>A husband may unilaterally repudiate a marriage, which may be effectuated: (i) verbally or in</p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee said that.<sup>53</sup></p> <ul style="list-style-type: none"> <li>• Divorce is “a decision exercised by the husband”; and</li> </ul>	<p>The registration of divorce is mandatory. A divorce must be registered with the Directorate General of Civil States within 30 days from the date of the divorce.<sup>55</sup></p>	

<sup>41</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 176, 180, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>43</sup> Omani National Centre for Statistics Information & UNICEF, “Oman Multiple indicator Cluster Survey 2014”, p. 11, [https://mics-surveys-prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR\\_English.pdf](https://mics-surveys-prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR_English.pdf)

<sup>44</sup> Saleh al Shaibany, “Divorce falls in Oman as more men take second wives”, 5 January 2010, *The National*, <http://www.thenational.ae/news/world/middle-east/divorce-falls-in-oman-as-more-men-take-second-wives>

<sup>39</sup> Article 59 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>40</sup> Articles 39, 40 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>42</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 176, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>45</sup> Article 80 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>53</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 243, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>55</sup> Oman e-Government Website, <https://goo.gl/TA3Rso>

<p><i>Is unilateral divorce by repudiation (talāq) prohibited? If unilateral divorce is not prohibited, what is the procedure i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to go to court, is the divorced spouse informed of the divorce? Is the unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>writing; (ii) with or without reason; (iii) with or without the presence of the wife; and (iv) inside or outside the court room. If the husband wishes to pronounce the repudiation before a judge, the judge will attempt to reconcile the parties before the husband makes the pronouncement. If the husband pronounces the repudiation outside the court, the repudiation may be proved by evidence or admission.<sup>46</sup></p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation in the marriage contract,<sup>47</sup> thus permitting her to pronounce <i>talāq</i> upon herself (<i>talāq-i-tafwid</i>).<sup>48</sup></p> <p>Valid grounds for seeking a judicial divorce by a wife include a husband's: (i) non-payment of the dower (<i>mahr</i>); (ii) failure to provide maintenance; (iii) incurable or severe physical or mental illness; (iv) prolonged absence without reasonable excuse for more than four months or disappearance of more than one year; or (v) imprisonment of more</p>		<ul style="list-style-type: none"> <li>• A wife may dissolve the marriage “as per the agreement” between her husband and herself, or if one of the eight legal grounds for divorce is met, she may apply to the court for a divorce. The eight grounds are: (i) illness; (ii) non-payment of dower; (iii) ill-treatment or discord; (iv) failure to provide; (v) imprisonment of spouse; (vi) absence or disappearance; (vii) prolonged sexual abstinence; and (viii) repudiation at the instance of the wife/no-fault.</li> </ul> <p>In its 2016 report to</p>		
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<sup>46</sup> Articles 81-89 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>47</sup> Article 82 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>48</sup> Article 89-91 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

	<p>than three years (wife may seek divorce after one years). In addition, a wife may seek divorce on the basis of a harm that makes it impossible to continue living in normal matrimonial life.<sup>49</sup></p> <p>In the case of a divorce petition based on harm, if the claim of harm is proven and reconciliation between the spouses is impossible, the judge will grant a divorce and decide on the amount of compensation due to the wife. If the claim of harm is not proven and the wife insists on her claim, the judge must appoint two arbitrators (one from the husband's family and one from the wife's family) who will attempt to reconcile the couple. If reconciliation is impossible, the arbitrators will make the appropriate recommendation regarding the divorce, which the judge then reviews and make the appropriate ruling.<sup>50</sup></p> <p>If the arbitrators are unable to reconcile the spouses or are unable to agree on a recommendation the first time around, the judge may either appoint two new arbitrators or add</p>		<p>the CEDAW Committee,<sup>54</sup> the Omani government explained that Article 94 of the OPSP states that the two spouses may agree to end their marriage through a <i>khul'</i> divorce at the instance of the wife, who must pay compensation. However, if <i>khul'</i> is offered in order to relinquish custody of the children or any other right, the <i>khul'</i> stipulation is revoked and the <i>khul'</i> becomes a divorce as per Article 96 of the OPSP.</p>		
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<sup>49</sup> Articles 98-100, 101(a), 109-113 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>50</sup> Articles 87-88, 90-91, 101-108 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>54</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 182, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<p>a third arbitrator to assist with the reconciliation process. If the arbitrators are still unable to reconcile the spouses or reach an agreement the judge must then order a divorce.<sup>51</sup></p> <p>A wife may seek redemptive divorce (<i>khul'</i>), whereby she is granted a divorce in exchange for a mutually-agreed compensation to be paid to the husband. A <i>khul'</i> divorce requires the consent of both parties.<sup>52</sup></p>				
<p><b>Women's financial rights after divorce</b></p> <p><i>Is there a legal concept of matrimonial assets? Is there equal division of marital property upon dissolution of the marriage? Is the woman's role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut'ah)? Who</i></p>	<p>Generally, upon divorce, a woman may be entitled to: (i) financial maintenance during the waiting period after the divorce (<i>iddah</i>); and (ii) a consolatory compensation (<i>mut'ah</i>). There is no legal concept of matrimonial assets.</p> <p>Under the OPSL, a woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>). The amount may be agreed mutually or awarded by court. The <i>iddah</i> period ranges from three months to a maximum of one year and depends on the woman's situation</p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee confirmed that that Omani law does not recognise a matrimonial property regime. Therefore, in the event of divorce:<sup>59</sup></p> <ul style="list-style-type: none"> <li>• Each spouse retains his or her property. Neither party is required to relinquish or</li> </ul>		

<sup>51</sup> Articles 104-106 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>52</sup> Articles 87-89, 94-97 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<p><i>is responsible for the financial maintenance of children following a divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h) Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>	<p>e.g. whether she is menstruating or pregnant.<sup>56</sup></p> <p>A woman loses her right to financial maintenance during the <i>iddah</i> period if she initiates the divorce and is found to be at fault.</p> <p>Article 91 of the OPSL provides that a woman may be entitled to <i>mu'tah</i> compensation. The amount of the compensation is evaluated according to the husband's financial capacity.<sup>57</sup></p> <p>Following a divorce, a father is responsible for the financial maintenance of his children. A daughter is entitled to maintenance until she is married, and a son is entitled to maintenance until he is able to earn a living of his own, unless he is a student, in which case until he completes his education successfully.<sup>58</sup></p>		<p>divide his or her property.</p> <ul style="list-style-type: none"> <li>The property the spouses own in partnership is not divided unless both parties so desire because where spouses are joint owners of a property, company or factory, the wife has the same ownership rights as if she were a male partner, irrespective of the marriage bond; and</li> <li>A woman's unpaid domestic or agricultural work will not be considered as property but as the woman's contribution to establishing and caring for a</li> </ul>		
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<sup>59</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 244, 256-258, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>56</sup> Article 90, 121-122 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>57</sup> Article 91 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>58</sup> Articles 60-61, 91 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)



			<p>family.</p> <p>In addition, the Omani government explained that a woman has the right to maintenance and child support from her husband who divorces her. The maintenance is dealt with by summary judgement pursuant to the law.<sup>60</sup></p>		
<p><b>Custody of Children</b></p> <p><i>Do parents have equal rights over the custody of their children? If no, who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon re-marriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>During marriage, both parents have custodial rights over their children. In the event of a divorce, a mother has priority right over the custody of her children (followed by the children's father, maternal grandmother and thereafter, a line of close relatives as stipulated in the law), until her daughter reaches puberty (unless a judge determine otherwise according to her interest) and her son reaches seven.<sup>61</sup></p> <p>A mother loses custody of her child if she: (i) is deemed immature, untrustworthy or does</p>		<p>The Government of Oman in its 2010 and 2016 report to the CEDAW Committee reiterated that:<sup>67</sup></p> <ul style="list-style-type: none"> <li>Articles 125-137 of the OP SL provides for the right of custody of children.</li> <li>Custody of the children is the joint obligation of both spouses as</li> </ul>		

<sup>60</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 244, 256-258, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>61</sup> Articles 129-130 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>67</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 177; Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 245-248, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<p>not have the ability to care and nurture the child pursuant; (ii) has a contagious disease; (iii) marries a man who is not a close blood relative of the children (<i>mahram</i>), unless a court decides otherwise; (iv) lives in a country where it is difficult for the father to carry out his duties as guardian; or (v) waives her right for one year without valid excuse.<sup>62</sup></p> <p>A mother who is from a different religion than the father has priority right of her son until he reaches the age of seven.<sup>63</sup></p> <p>Article 133 provides that the child may not spend a night away from the mother unless a judge determines otherwise.<sup>64</sup></p> <p>Article 134 of the OPSL provides that the custodian of the child cannot travel abroad with the child without the approval of the guardian. If the guardian refuses, the matter may be submitted to a judge for resolution<sup>65</sup></p> <p>Article 137 of the OPSL provides that if the child is under the care</p>		<p>during marriage;</p> <ul style="list-style-type: none"> <li>• In the event of a divorce at the instigation of either spouse, the mother has priority right to custody of the children followed by the father, then mother's mother, then loving relatives, in a set order which protects the right of the mother (and her family) to custody, unless a judge decides otherwise;</li> <li>• While the OPSL prioritises the mother regarding custody of children, the law nevertheless places the interest of the child as its</li> </ul>		
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<sup>62</sup> Articles 126, 127(a), 135 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).  
<sup>63</sup> Article 128 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).  
<sup>64</sup> Article 133 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).  
<sup>65</sup> Article 134 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).

	<p>of either parent, the other has the right to visit the child and accompany the child in whatever way the judge might consider proper.<sup>66</sup></p>		<p>primary;</p> <ul style="list-style-type: none"> <li>Adoption of child is unacceptable under <i>Shari'ah</i> and Omani law as lawful marriage is the only framework for the parent-child relation. Omani law does recognise a foster-family system, where the child may be raised by those who wishes and has the ability to do so in the interests of the child, whether male or female, but without the child acquiring kinship or the family name.</li> </ul> <p>In its 2016 report to the CEDAW Committee, the Omani government also explained that Article 16(a) of the Implementing</p>		
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<sup>66</sup> Article 137 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).

			Regulations for Family Care and Custody issued by Ministerial Decree No. 49/2007 permits a woman to take custody of a child in order to care for it. <sup>68</sup>		
<p><b>Guardianship of Children</b></p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is guardianship decided based on the best interest of the child?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>A father has priority right to guardianship of his children during and after a divorce until the children reach the age of civil majority (18).<sup>69</sup> However, a father may be deprived of guardianship if he: (i) is deemed to be not sensible, untrustworthy, and incapable of bearing the duties as a guardian; or (ii) is a non-Muslim.<sup>70</sup></p>				
<p><b>Family Planning</b></p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p>	<p>Abortion is strictly prohibited by law, except when it is necessary to save the pregnant woman's life or the foetus has a congenital abnormality which would make life difficult.<sup>71</sup></p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee stated that:<sup>72</sup></p> <ul style="list-style-type: none"> <li>• Family planning</li> </ul>		<p>According to World Bank data, the total fertility rate decreased from 7.2 children per woman in 1960 to 2.7 in 2015.<sup>73</sup></p>

<sup>68</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 183, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>69</sup> Articles 139, 159-160 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).

<sup>70</sup> Articles 160-163 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf).

<sup>71</sup> Articles 242-246 of the Penal Code, <https://www.hsph.harvard.edu/population/abortion/OMAN.abo.htm>; Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para 184, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>72</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 177-179, 184, 233, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>73</sup> The World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

<p><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12 Paras. 21-23 GR21</p>			<p>is a decision to be taken jointly between the spouses and there are no legal or intrinsic cultural obstacles to women receiving healthcare, including family planning;</p> <ul style="list-style-type: none"> <li>• Abortion is legal only within very narrow limits and with the approval of a special medical committee. It is permitted only in cases where the mother's life is at risk or the foetus has a congenital abnormality which would make life difficult. This must be diagnosed before the 17<sup>th</sup> week of pregnancy. The State guarantees all resulting</li> </ul>	<p>According to Oman's 2014 Multiple Cluster Indicator Survey.<sup>74</sup></p> <ul style="list-style-type: none"> <li>• 18% of married women have an unmet need for family planning services; and</li> <li>• 30% of married women are using a method of contraception, with women mainly using a modern method (19%).</li> </ul>
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<sup>74</sup> Omani National Centre for Statistics Information & UNICEF, "Oman Multiple indicator Cluster Survey 2014", p. 7, [https://mics-surveys-prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR\\_English.pdf](https://mics-surveys-prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR_English.pdf)

			health-care costs;		
			<ul style="list-style-type: none"> <li>A woman does not need her husband's permission to use health services, including family planning services such as the right to obtain contraceptives.</li> </ul>		
<p><b>Personal rights of spouses</b></p> <p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf? Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can a woman protect her personal rights through her marriage contract?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>Article 18 of the Basic Law guarantees personal freedom and prohibits restrictions to freedom of movement as well as residence unless by law.<sup>75</sup></p> <p>Article 17 of the Basic Law states that all citizens are equal before the law and share the same public rights and duties regardless of gender.<sup>76</sup></p> <p>Article 11 stipulates that the right to work is inalienable and guaranteed to women as well as men.<sup>77</sup></p> <p>Despite the constitutional provisions stating otherwise, the OPSL potentially restricts the</p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee reiterated that:<sup>79</sup></p> <ul style="list-style-type: none"> <li>As per Article 18 of the Basic Law, women and men have the same legal rights to freedom of movement and choice of place of residence; and</li> <li>The right of a woman to retain her family name, even after</li> </ul>	<p>The wife may stipulate in the marriage contract that she has the right to work, travel, study, etc. If the husband breaches a stated condition of the marriage contract, the woman has the right to petition a court for divorce.<sup>81</sup></p> <p>Married women must obtain written permission from their husbands before they may be issued a passport.<sup>82</sup></p>	<p>According to World Bank data, female labour force participation increased from 17% in 1990 to 30% in 2016.<sup>84</sup> During the same period, male labour force participation rate increased from 81% to 86%.<sup>85</sup></p> <p>According to the 2016 UNDP Human Development Report:<sup>86</sup></p> <ul style="list-style-type: none"> <li>60% of women over 25 have at least some sec-</li> </ul>

<sup>75</sup> Article 18 of the Basic Law of Oman (1996), [https://www.constituteproject.org/constitution/Oman\\_2011.pdf](https://www.constituteproject.org/constitution/Oman_2011.pdf)

<sup>76</sup> Article 17 of the Basic Law of Oman (1996), [https://www.constituteproject.org/constitution/Oman\\_2011.pdf](https://www.constituteproject.org/constitution/Oman_2011.pdf)

<sup>77</sup> Article 11 of the Basic Law of Oman (1996), [https://www.constituteproject.org/constitution/Oman\\_2011.pdf](https://www.constituteproject.org/constitution/Oman_2011.pdf)

	<p>personal rights of a Muslim wife as a result of its maintenance-for-obedience legal framework. Thus:<sup>78</sup></p> <ul style="list-style-type: none"> <li>Article 54 states that the wife risks losing her financial maintenance if she: (i) prevents her husband from approaching her; (ii) refuses to move to the marital home without a <i>Shari'ah</i> based reason; (iii) leaves the marital home without valid a <i>Shari'ah</i> based reason; (iv) prevents her husband from entering the martial home without a valid reason; (v) refrain from travelling with her husband without a valid reason;</li> <li>Article 57 requires the wife to live with her husband in the marital home he provides for her. She is also required to</li> </ul>		<p>marriage is not only supported by law but also by Omani custom, under which a woman retains the name of her family or tribe.</p> <p>In its 2016 report to the CEDAW Committee, the Omani government informed that:<sup>80</sup></p> <ul style="list-style-type: none"> <li>The Sultanate amended the Omani Passport Law pursuant to Royal Decree No. 11/2010 to entitle a woman to obtain a passport without requiring the consent of</li> </ul>	<p>Married women in Oman may retain their maiden names.<sup>83</sup></p>	<p>ondary education as compared to 57% of men of the same age group;</p> <ul style="list-style-type: none"> <li>99% of females and males aged 15-24 are able to read and write a short simple sentence; and</li> <li>92% of women are satisfied with their freedom of choice as compared to 90% of men.</li> </ul> <p>According to a civil society report, Omani women are generally free to drive cars, travel</p>
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<sup>79</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 234, 251-252, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>81</sup> Articles 4, 5 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>82</sup> Rafiah al-Talei, "Oman", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p.8, [https://freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](https://freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

<sup>84</sup> The World Bank, "Labour force participation rate, female (% of female population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

<sup>85</sup> The World Bank, "Labour force participation rate, male (% of male population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.MA.ZS>

<sup>86</sup> UNDP, "Human Development Report 2016", Tables 5, 9, 14, pp. 214-217, 230-233, 250-253, [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

<sup>78</sup> Articles 54, 57-58 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>80</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 172-173, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>83</sup> Article 37(3) of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

	<p>move when he does unless she cites a condition in the contract to the contrary or he means to harm her by making her move from the domicile.</p> <ul style="list-style-type: none"> <li>• Article 58(a) provides that the husband has the right to require his wife to live with his parents and children from other wives in the marital home as long as he is able to support them and provided that she would be harmed by such requirement</li> <li>• Article 58(b) prohibits the wife from sheltering her children from another man in the marital home unless: (i) they have no other guardian; or (ii) they will be harmed if they live away from her; or (iii) if her husband has agreed to them living in the marital and he has the right to change his mind if their presence is detrimental.</li> </ul>		<p>her husband or guardian. The procedures for travel and movement of a woman are no different from those for a man;</p> <ul style="list-style-type: none"> <li>• The Personal Status Law does require a woman to live with her husband in the residence which he designates for her. A woman may include conditions in her marriage contract concerning the choice of a residence. If her residence in a given domicile results in harm to her, she may submit the matter to the competent judicial authorities.</li> </ul>		<p>abroad and share classes and work spaces with men.<sup>87</sup></p>
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<sup>87</sup> Rafiah al-Talei, "Oman", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p.8, [https://freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](https://freedomhouse.org/sites/default/files/inline_images/Oman.pdf)



<p><b>Inheritance rights</b></p> <p><i>Are women and men in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession? Are there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u> Paras. 34-35 GR21 Paras. 49-53 GR29</p>	<p>Generally, inheritance rights between women and men are unequal. The OPSL generally follows <i>Shari'ah</i> in terms of inheritance laws. Articles 232-279 of the OSPL detail the inheritance shares. In many instances, such as in the cases of widows and widowers and siblings, a woman is entitled to half the share of a man, unless she is bequeathed more in accordance with Articles 198-231 of the OPSL.<sup>88</sup></p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee explained that under Omani law, a widow and daughters of a deceased:<sup>89</sup></p> <ul style="list-style-type: none"> <li>• Inherit their share of the estate based on shares fixed by law that is based on <i>Shari'ah</i> as a matter of right and even without the existence of a will;</li> <li>• May take possession of their share in the estate by means of a bequest or testamentary disposition. A will has full legal force to the limit of one-third of the estate, while a bequest can be for more, subject to the agreement</li> </ul>		
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<sup>88</sup> Articles 232–279 of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>89</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 253, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

			of the other beneficiaries of the will.	
<p><b>Violence against women in the family</b></p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is there specific legislation that recognises domestic violence as a crime? Is the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u> GRs 12 &amp; 19 Para. 40 GR21</p>	<p>Article 20 of the Basic Law asserts that no person shall be subjected to physical or psychological torture, inducement or demeaning treatment and obligates the law to punish anyone who commit such acts.<sup>90</sup></p> <p>Article 37(5) of Personal Status Law prohibits the husband from harming the wife financially or morally.<sup>91</sup></p> <p>Oman has not adopted specific legislation to criminalise acts of domestic violence.<sup>92</sup></p> <p>The Penal Code contains some general prohibitions that are applicable to domestic violence. For instance domestic violence may be prosecuted under rape and assault, which are defined as a "disgracing crimes" under Article 33.<sup>93</sup></p>		<p>The Government of Oman in its 2010 report to the CEDAW Committee explained that:<sup>95</sup></p> <ul style="list-style-type: none"> <li>• Under Omani law, women are guaranteed their dignity and humanity; they may not be harmed or assaulted in any way. If a woman suffers harm, she has the right to resort to the judiciary under the Penal Code; and</li> <li>• Domestic violence is</li> </ul>	<p>According to Oman's 2014 Multiple Cluster Indicator Survey, about 8% of women aged 15-49 stated that a husband is justified in hitting or beating his wife in at least one of the following circumstances: (i) she goes out without telling him; (ii) she neglects the children; (iii) she argue with him; (iv) she burns the food.<sup>98</sup></p> <p>According to the 2014 Social Institutions and Gender Index.<sup>99</sup></p>

<sup>90</sup> Article 20 of the Basic Law of Oman (1996), [https://www.constituteproject.org/constitution/Oman\\_2011.pdf](https://www.constituteproject.org/constitution/Oman_2011.pdf)

<sup>91</sup> Article 37(5) of the Personal Status Law (1997), [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>92</sup> Rafiah al-Talei, "Oman", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p.8, [https://freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](https://freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

<sup>93</sup> Article 33 of the Penal Code (1974), <http://www.fiu.gov.om/files/english/Omani%20Penal%20Code/Royal%20Decree%20No.%207-74-1.pdf>

<sup>95</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 58-60, 253, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>98</sup> Omani National Centre for Statistics Information & UNICEF, "Oman Multiple indicator Cluster Survey 2014", p. 7, <https://mics-surveys->

	<p>The Penal Code does not specifically criminalise marital rape.</p> <p>The Penal Code also contains provisions that for corporal punishment, suspension or reduction of punishment:<sup>94</sup></p> <ul style="list-style-type: none"> <li>• Article 38(2) provides that punishment within the limits of public customs is not a crime;</li> <li>• Article 67 allows for an injured party to waive a claim, which has the effect of suspending the prosecution or punishment of the crime; and</li> <li>• Article 252 provides for a reduction in penalty if a crime was committed by a man who catches his wife or a female relative committing adultery and immediately kills or injure her or her partner.</li> </ul>		<p>generally unacceptable in Omani society, which remains a traditional society. Thus, an abused woman may approach close family members, relatives or friends to provide her with the necessary help and support, including providing her with a suitable place to live in, if needed. In addition, there are various counselling organisations which advise both parties of their domestic rights and duties and the proper foundations on which to base a relationship.</p>	<ul style="list-style-type: none"> <li>• Domestic violence is believed to be common in Oman but is generally unacknowledged in official or media reports;</li> <li>• Prosecution of spousal assault claims are very rare; and</li> <li>• Victims of domestic violence may seek limited assistance in the form of counselling and temporary shelter provided by the state-run Oman Women's Association;</li> <li>• Mechanisms for which victims may seek get reparations or ensure prosecution of domestic violence</li> </ul>
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<sup>99</sup> [prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR\\_English.pdf](http://prod.s3.amazonaws.com/MICS5/Middle%20East%20and%20North%20Africa/Oman/2014/Key%20findings/Oman%202014%20MICS%20KFR_English.pdf)

<sup>94</sup> OECD Development Centre, "Oman", *Social Institutions and Gender Index*, 2014, p. 3, <http://www.genderindex.org/country/oman>

Articles 38(2), 67, 252 of the Penal Code (1974), <http://www.fiu.gov.om/files/english/Omani%20Penal%20Code/Royal%20Decree%20No.%207-74-1.pdf>

			<p>In addition, the Omani government explained that while there are no laws that on the circumcision of girls: (i) there is an ongoing juristic debate on the issue; and (ii) pursuant to a Government decree forbidding the operation, circumcision is not carried out at Government institutions.<sup>96</sup></p> <p>In its 2016 report to the CEDAW Committee, the Government of Oman explained that:<sup>97</sup></p> <ul style="list-style-type: none"> <li>The Omani Police and Prosecutor's Office handle cases of violence against women, including domestic violence;</li> </ul>		<p>remain inadequate.</p> <p>Various sources suggest a relatively high prevalence of female circumcision / female genital mutilation (FGM) among Omanis:</p> <ul style="list-style-type: none"> <li>According to a 2000 National Health Survey, 85% of women approve the circumcision of girls and 53% had been circumcised;<sup>100</sup></li> <li>According to a 2001 health study of secondary school adolescents, approximately 80% of students of both sexes thought that circumcision was necessary, although the</li> </ul>
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<sup>96</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 189, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>97</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 53-55, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>100</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 187, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

			<ul style="list-style-type: none"> <li>• The Omani police is required to complete their initial investigations on a report relating to violence against women and refer the case to the Public Prosecutor's Office.</li> <li>• The Public Prosecutor's Office in turn is required to question suspects within 24 hours of receiving a referral from the Omani police;</li> <li>• A suspect in violence against woman case may be preventively detained until the case is referred to the competent court, or the suspect may be released</li> </ul>		<p>proportion was lower among the children of educated parents. The same study indicated that around 46% of the daughters of educated women (mothers who have completed secondary school level or higher) reject the practice, compared with 17% of the daughters of illiterate mothers,<sup>101</sup></p> <ul style="list-style-type: none"> <li>• According to a 2014 research study, among the female respondents: (i) 64% said FGM was still practised in the family; (ii) 78% said they had been circumcised; and (iii) 55% said they supported the</li> </ul>
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<sup>101</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), para. 188, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

			<p>following a decision to suspend the case;</p> <ul style="list-style-type: none"> <li>• Criminal chambers in the courts decide cases of violence against women;</li> <li>• The Ministry of Health conducts a medical examination of women who are victims of violence to ascertain the type and effects of the violence to which they were subjected;</li> <li>• The <i>Dar al-Wifaq</i> (House of Harmony) provides safe-house facilities to urgently protect women from violence, including women who are</li> </ul>		<p>practice of FGM.<sup>102</sup></p>
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<sup>102</sup> Habiba Al Hinai, "Female Genital Mutilation in the Sultanate of Oman", 2014, <http://www.stopfgmideast.org/wp-content/uploads/2014/01/habiba-al-hinai-female-genital-mutilation-in-the-sultanate-of-oman1.pdf>

			<p>subjected to trafficking by providing them with temporary shelter (including food, clothing and other basic daily needs), social and psychological counselling and legal advice on matters and the prosecution of perpetrators. Victims are allowed to contact their family members via telephone and have access to recreational cultural and sports programmes that facilitate integration in society.</p>		
<p><b>Nationality rights</b></p> <p><i>Does a wife have the right to confer her citizenship on foreign husbands and children? Can the na-</i></p>	<p>Both the foreign spouses of an Omani woman and man may be granted Omani citizenship, albeit under different conditions. A non-Omani husband has to meet</p>		<p>The Government of Oman in its 2010 and 2016 reports to the CEDAW Committee asserted</p>		

<p><i>tionality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u> Article 9 Para. 6 GR21</p>	<p>stricter conditions when compared to a non-Omani wife.<sup>103</sup></p> <p>An Omani woman married to a non-Omani may retain her Omani nationality unless she renounces it.<sup>104</sup></p> <p>An Omani father passes his citizenship to his children wherever they are born.<sup>105</sup> However, generally, an Omani mother may not pass her citizenship to her children except under the following circumstances:<sup>106</sup></p> <ul style="list-style-type: none"> <li>• If the father is unknown;</li> <li>• If the father has lost his Omani nationality for whatever reason;</li> <li>• If the father is a non-Omani, a minor may apply for and be granted Omani citizen provided he meets very strict</li> </ul>		<p>that:<sup>107</sup></p> <ul style="list-style-type: none"> <li>• There is no gender discrimination regarding citizenship; and</li> <li>• A reservation on Article 9(2) of CEDAW was entered to prevent dual nationality. Moreover, international law establishes that a State's nationality law is subject in all respects to the discretion of its domestic legislature.</li> </ul> <p>In its 2016 report to the CEDAW Committee, the</p>		
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<sup>103</sup> Articles 15, 16 of the Sultan's Decree No. 380/2014, Curtis, Mallet-Prevost, Colt & Mosle LLP, "The new Omani Nationality Law: How big is the departure from the old Omani law?", *Omani Law Blog*, 13 October 2014, <http://omanlawblog.curtis.com/2014/10/the-new-omani-nationality-law-how-big.html>

<sup>104</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 93-94, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>105</sup> Omani Citizenship Law, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=542a76414>

<sup>106</sup> Article 18 of the Sultan's Decree No. 380/2014; Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 95-96, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>; Curtis, Mallet-Prevost, Colt & Mosle LLP, "The new Omani Nationality Law: How big is the departure from the old Omani law?", *Omani Law Blog*, 13 October 2014, <http://omanlawblog.curtis.com/2014/10/the-new-omani-nationality-law-how-big.html>

<sup>107</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), paras. 91, 94; Oman State party report, U.N. Doc. CEDAW/C/OMN/1 (2010), paras. 100-101, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>



	conditions.		<p>Omani government also explained that the strict requirements that must be met by the non-Omani husband of an Omani woman wishing to obtain Omani nationality are “to ensure the stability and permanence of the marital relationship with a view towards enhancing the woman’s status and avoiding a situation where she becomes a means to achieve her husband’s objective.”<sup>108</sup></p>		
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<sup>108</sup> Oman State party report, U.N. Doc. CEDAW/C/OMN/2-3 (2016), para. 99, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>