

Violence against Women Oman

*Submission For The UN Universal Periodic Review
37th Session Of The UPR Working Group (Jan-Feb 2021)*

Introduction

1. The Helena Kennedy Centre for international Justice is a human rights centre based at Sheffield Hallam University in the UK.¹ The Centre supports a range of research and scholarship activity including supervised work by our students. This submission is the product of undergraduate students studying with the Human Rights Law Clinic.

Follow up to the Previous Review

2. It is important to acknowledge some of the recent achievements to address violence against women in Oman. In 2015, UN Population Fund (UNFPA) trained female Y-PEER youth peer education network members opened the first 'Girls House' in Oman, to promote women empowerment and knowledge-based activities for young females of Oman.²
3. With the support of the Y-PEER network, further outreach activity has reached approximately 2000 women and girls with the aim of creating awareness on sexual and reproductive health rights, through a variety of arts and other training activities.³
4. This action is welcomed as raising awareness to combat negative stereotyping against women and prohibit violence against women.
5. Despite previous recommendations, Oman has not yet ratified the International Covenant on Civil and Political Rights. Many recommendations also sought the ratification of the International

¹ See <https://www.shu.ac.uk/about-us/academic-departments/law-and-criminology/the-helena-kennedy-centre-for-international-justice>.

² UNFPA, OMAN Scorecard on Gender-based violence, https://arabstates.unfpa.org/sites/default/files/pub-pdf/UNFPA%20-%20Oman%20WEB_0.pdf, accessed 22 Feb 2020.

³ *Ibid.*

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, though this has not been ratified either. And, although recommendations to ratify the UN Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance were supported following the last Review, neither the UNCAT nor the CPPED have yet been ratified.⁴

Discrimination against Women

6. Discrimination against women in Oman has continued since the last Review. Article 17 of the Basic Law of the State provides all citizens are equal, both for their public rights and duties before the law.⁵ Yet in 2019 Amnesty International has reported that "women continued to face discrimination, in law and practice, in relation to matters such as divorce, child custody, inheritance and passing their nationality on to their children".⁶
7. Whilst the Convention on the Elimination of Discrimination against Women was ratified in 2006, a number of problematic reservations remain that limit the fulfilment of its protections.⁷

Female Genital Mutilation

8. There are no laws that prohibit female genital mutilation and cutting (FGM), though a policy directive prohibits FGM in government institutions and the Child Law of 2014 prohibits harmful traditional practices.⁸ In 2018, the Ministry of Social Development issued an Executive Decree that provided that the Child Law prohibitions include genital mutilation and "rituals that cause harm to the child's body".⁹
9. In practice, FGM is still widely practiced in Oman. Estimates indicate that around 80% of women in Oman are affected by female genital mutilation, as "all studies show high prevalence".¹⁰ Some regions of Oman practice FGM more than others: the governates of Dhofar and Dakhiliyah being particularly significant. It is a common misconception that Dhofar is only, or one of few, regions within Oman that carry out FGM.¹¹ This is not the case, as can be seen when referring to the Dakhiliyah, an area where approximately 95.5% of women have undergone FGM (correct in 2018). FGM is notably less common in areas such as the Capital, Muscat, though the country itself can still be considered amongst those with the highest prevalence of the practice in the

⁴ UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, UN Treaty Body Database, Ratification Status for Oman, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=130&Lang=EN, accessed 22 March 2020.

⁵ Basic law of the Sultanate of Oman (as last amended by Royal Decree No. 99/2011)

⁶ AMNESTY INTERNATIONAL, OMAN 2019, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/oman/report-oman/>, accessed 14 March 2020.

⁷ Specifically, Article 9(2) (nationality), Article 16(a), (c), (f) (family life), and Article 29(1)(arbitration). See, OCHR Oman, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Sultanate of Oman, (Women in Oman and (CEDAW) 19 March 2019), <https://ochroman.org/eng/2019/03/women/>, accessed 27 February 2020.

⁸ See UNDP in the Arab States, Oman Gender Justice & The Law, <https://www.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Oman%20Country%20Assessment%20-%20English.pdf>, accessed 23 February 2020.

⁹ See AMNESTY INTERNATIONAL, OMAN 2019, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/oman/report-oman/>, accessed 14 March 2020.

¹⁰ Oman, Stop FGM Middle East, (n.d.), <http://www.stopfgmmideast.org/countries/oman/>, accessed 24 November 2019.

¹¹ *Ibid.*

world.¹²

Reproductive health

10. Abortion is a punishable offence in Oman, with no exceptions made for rape survivors.¹³ The Penal Code provides the following penalties of imprisonment for abortion offences: At least six months and up to three years for a woman who aborts herself through any means or consents to an abortion. At least six months and up to three years for anyone who aborts a woman with her consent, and at least three years and up to five years if the person performing the abortion is a member of any medical profession.
11. A lesser sentence is given to those who carry out an abortion on themselves due to 'family honour' (a maximum of three months imprisonment). The reduced penalty suggests aborting oneself becomes more acceptable where it is to protect the honour of one's family, rather than to ensure the safety of the woman.¹⁴

Human Trafficking

12. A comprehensive Anti-Trafficking Law was adopted in 2008 that ensures that legal fees for survivors are often waived and compensation provided for survivors.¹⁵ Oman has a court focusing specifically on trafficking that imposes punishments between three to seven years for adult cases. For child cases, penalties of seven to fifteen years and fines up to 100,000 Omani Royals have been issued.¹⁶ This law and its implementation should be recognised as a great achievement towards the prevention of human trafficking which must be continued and advanced through the next UPR cycle.
13. Since the last Review, Oman's government has taken significant steps towards the effective prohibition of trafficking. Strategies include investigating and convicting more suspected traffickers, utilising an anti-trafficking prosecutorial unit, and allowing victims more access to sufficient care. A five-year national plan has been put in place, along with a public awareness campaign; the first national one of its kind.¹⁷ Whilst acknowledging these efforts, it is also important to consider the areas in which the government could do more to eliminate human trafficking in all its forms, particularly as research indicates that inbound trafficking and forced labour is still relatively common in Oman.
14. The Omani Centre for Human Rights reports that human trafficking has persisted in spite of some positive national changes due to corruption of senior government officials and ministers, which is filtered through the military and relevant security within the country, allows for the continuation of the exploitation of migrants and domestic workers, who are not protected by the Omani laws.¹⁸

¹² Hannah Caroline, New Study: Almost 100 percent women mutilated in region of Oman- Time to act!, Stop FGM Middle East, 23 August 2018.

¹³ UNDP in the Arab States, Oman Gender Justice & The Law, <https://www.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Oman%20Country%20Assessment%20-%20English.pdf>, accessed 23 February 2020.

¹⁴ *Ibid.*

¹⁵ Royal Decree No. 126/2008, Anti Trafficking Law.

¹⁶ *Ibid.*

¹⁷ United States Department of State 2018 Trafficking in Persons Report - Oman, refworld, (28 June 2018), <https://www.refworld.org/docid/5b3e0ab2a.html>, accessed 24 November 2019.

¹⁸ OCHR Oman, (Human trafficking 7th August 2018), <https://ochroman.org/eng/2018/08/humantrafficking/>, accessed 24 November 2019.

15. Amnesty International has also reported that the use of a restrictive *kafala* (sponsorship) system that ties migrant workers to their employers has led to exploitation and abuse. Laws prohibit migrant workers from changing jobs or leaving the country without their employers' permission, thus significantly facilitating their exploitation.¹⁹

Recommendations for action by the State under Review

16. Following our report, it is recommended that Oman:

- Ratify outstanding human rights treaties, with particular regard to the following with all necessary action: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; Convention for the Protection of All Persons from Enforced Disappearance; and the International Covenant on Civil and Political Rights.
- Remove reservations to the Convention on the Elimination of Discrimination against Women that could hinder its effective implementation.
- Make marital rape a punishable offence and in line with the existing provision for rape in the Penal Code.
- Legalise abortion and provide particularly for women who have become pregnant as a result of rape.
- Establish adequate punishment against FGM to deter people from continuing the practice, both when done in private practices and by family members equally.
- Prioritise physical and mental treatment, rehabilitation and support for all women and girls affected by FGM and to increase awareness within society that such support is available.
- End the system of *kafala* (sponsorship) that ties employees to their employer creating a risk of forced labour, exploitation and abuse. Practices that create further risks of abuse, such as withholding passports from the employee, should also be prohibited.

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¹⁹ AMNESTY INTERNATIONAL, OMAN 2019, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/oman/report-oman/>, accessed 14 March 2020.