



OMAN

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POPULATION: 3,108,000
GNI PER CAPITA: US\$14,768

COUNTRY RATINGS	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	2.0	2.1
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.1	2.1
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.7	2.9
POLITICAL RIGHTS AND CIVIC VOICE:	1.2	1.8
SOCIAL AND CULTURAL RIGHTS:	2.1	2.5

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

INTRODUCTION

Oman is a monarchy that has been independent since the expulsion of the Portuguese in 1650. Sultan Qaboos bin Said, who overthrew his father in a coup, has ruled the country by royal decree since 1970. After assuming power, Sultan Qaboos used oil revenues to institute ambitious plans to modernize the country and improve its infrastructure, health services, and educational system. Women took an active role in the process and were visible participants in various fields within the private and public sectors. However, Oman's relatively small job market became virtually saturated in the 1980s, leading to more starkly defined gender roles and setting back some of the progress previously achieved. As a result, women's representation in the labor force decreased from 17.1 percent in 1980 to 14.2 percent in 1990.¹

In the mid-1990s, as government's efforts to reduce the number of foreign workers through the policy of "Omanization" came into full effect, national women along with men were recruited to fill jobs customarily held by the expatriates. This had a particularly positive effect on poor, less-educated women, who were increasingly able to obtain jobs as cleaners, hospital orderlies, and kitchen help, allowing them to support themselves in the face of hardship and giving them a new role in the community.² The

number of female university graduates also increased during this period, acting as a catalyst for empowerment. By 2003, women's representation in the labor force resurged to 17.2 percent. Over the last five years, women have continued to enjoy higher levels of economic participation, and according to some sources they now represent 19.1 percent of Oman's workforce.³

Oman's patriarchal culture, in combination with conservative religious norms, continues to have a profound impact on women. Despite progress, women face discrimination in almost all areas of life, and men are traditionally and legally seen as heads of household. Women remain underrepresented in the judiciary and government structures, and do not have full freedom to make decisions about their health and reproductive rights. Moreover, they are afforded unequal rights under the personal status law, which governs inheritance, marriage, divorce, and child custody.

Attempts by the government to incorporate a more liberal interpretation of women's rights and duties into the country's laws and practices have had mixed success. Oman was one of the first Gulf countries to provide women with political rights and begin integrating them into government structures. Women have been allowed to vote and stand in elections for the *Majlis al-Shura* (Consultative Council), the lower house of parliament, since 1994, when only select individuals approved by government leaders could vote. Universal adult suffrage was offered for the first time in 2003. In November 2007, the sultan appointed 14 women to the 70-member *Majlis al-Dawla* (State Council), the upper house of parliament, doubling the number of female members from 2004. However, for the first time since they were permitted to run, female candidates failed to win any of the 84 seats contested in the 2007 elections to the Consultative Council. Despite the disappointing result, the traditional image of women is slowly changing as more women are becoming visible in their roles as political candidates, leaders, and decision makers.

One of the major challenges to women's rights advocacy in Oman is the overall denial of basic civil liberties. The rights of assembly and association are restricted for all citizens, men and women, and no meaningful organized political opposition exists. Public gatherings require official permission, and political parties are banned. While the government permits the formation of nongovernmental organizations (NGOs), no human rights or women's rights NGOs exist. Such restrictions impede the ability of women to organize independently and lobby effectively for the expansion of their

rights. The Omani Women's Association (OWA), which is supervised by the Ministry of Social Development (MSD), does not address sensitive issues such as civil and political rights or women's autonomy and security. Moreover, freedom of expression and democratic debate are extremely limited. Media outlets are either governmental or under governmental supervision, impeding citizens' ability to start an open debate about their needs and issues. All media institutions, whether broadcast or print, must be licensed by the Ministry of Information.

Oman's ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in February 2006 is viewed as progress toward the realization of women's rights and has encouraged women to fight for their legal rights.⁴ However, implementation of the convention has proven difficult and slow.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Omani women continue to face significant discrimination in domestic laws and difficulty accessing justice through the courts. However, the government instigated an important change by introducing a law in 2008 stipulating that men and women's legal testimonies are now considered equal, although it is unclear to what extent this will apply to personal status law cases. Additionally, over the past five years a growing number of educated women have advocated for greater awareness of laws and policies that women could use to empower themselves. In response, the Ministry of National Economy, in cooperation with international and national organizations, has started issuing booklets outlining laws of specific concern to women. However, the outreach to less-educated and rural women has been less successful, and overall, a lack of legal knowledge remains a significant problem.

Oman's legal system is founded upon the Shari'a (Islamic law) traditions of the Ibadi school of Islam, and its courts are organized into three tiers: courts of first instance, courts of appeal, and the Supreme Court. Rather than having a separate Shari'a court system, as many neighboring countries have, each level of the court system has a department of Shari'a within them that deals strictly with the personal status law. Although the 1996 Basic Law, which acts as Oman's constitution, states that the judiciary is independent, it remains subordinate to the sultan and the Ministry of Justice.

The Basic Law grants citizens limited civil liberties and Article 17 prohibits discrimination on the basis of “gender, origin, color, language, religion, sect, domicile, or social status.”⁵ Article 12 further guarantees justice, equality, and equal opportunity. The inclusion of protection from gender-based discrimination in the Basic Law is an important safeguard for women’s rights, but because the Article 17 applies only to citizens, the country’s large population of foreign guest workers, particularly female domestic servants, is left vulnerable to discrimination.

Despite constitutional guarantees, the laws and policies of Oman continue to subject women to gender-based discrimination. Men are heavily favored in personal status matters, and married women are legally required to secure their husband’s permission before they may obtain passports.⁶ Omani women may not transfer citizenship to their noncitizen spouses and children, who must obtain and renew their residency visas every two years, while Omani men may do so without restriction.⁷ Noncitizen husbands are also not permitted to work without a sponsor.

Both men and women are entitled to equal access to justice by law, but access for Omani women is limited as a practical matter, in part because many women remain uninformed about laws and procedures that apply to them. Compounding this problem, women are severely underrepresented in the legal field. While no formal statistics exist regarding the male-to-female ratio among legal professionals, only five women serve as general prosecutors, and of the 117 lawyers permitted to appeal to the Omani high court, only two are women.⁸ Moreover, although no law prohibits it, customs and traditions forbid women from acting as judges, a practice that neither governmental nor nongovernmental entities have challenged. That women constitute such a small percentage of legal professionals is detrimental for many women seeking justice, particularly those living in conservative rural areas who are generally reluctant to discuss their legal grievances with or be represented by male attorneys.

Rules of criminal procedure were established through royal decree in December 1999 to regulate evidentiary processes for criminal cases, measures for entering cases into the criminal system, and detailed provisions for a public trial. Despite those reforms, certain provisions of Oman’s penal code continue to subject women to gender-based discrimination. Under Article 252 of the Penal Code (No. 7 of 1974), a man who commits a crime against his wife or a female relative immediately after having surprised her in an act of adultery may receive a reduced penalty or be

exempted from penalty altogether. If such an act (e.g. murder) constitutes a felony punishable by life in prison or capital punishment, Article 109 permits the sentence to be reduced to “at least one year.”⁹ Additionally, when a gender-based violent crime such as rape is reported, it is often the female victim, in addition to the male perpetrator, whose actions are criminalized. The rape of a spouse is not considered a crime under Omani law.

Women and men are protected against arbitrary arrest and detention under Article 15 of the Basic Law by virtue of their citizenship, and Article 16 prohibits the state from deporting or exiling citizens or preventing their return to the country. Arbitrary arrests and detentions are believed to be rare for both men and women, but information on this topic is scarce as no human rights NGOs are available in Oman to monitor such issues. In 2005, several people were arrested for an alleged coup plot, although the sultan later pardoned them all. Taiba al-Mawali, a women’s rights activist and former member of the elected Consultative Council, was arrested in September of 2005 for slander and sentenced to a six-month term as a political prisoner because of her support for the families of these detainees. In a June 2007 television interview with the American-funded Al-Hurra television channel, al-Mawali claimed that she had limited access to information regarding charges against her before and during her 2005 trial and that she had had only one week to prepare her defense.

Adult women may now be considered full persons before the law if recent amendments to the rules of evidence are fully enforced. Pursuant to Law No. 63 of 2008, the testimony of men and women is now deemed equal in court proceedings, although it is unclear whether this will be fully implemented throughout the legal system, particularly in family courts. For example, Oman’s personal status law requires that marriage contracts be concluded with the witnessing and testimony of two men; a woman’s testimony is not permitted in this instance. Adult women are entitled to file legal suit without permission from a male family member although, in practice, some judges request that women appear in court with their fathers or husbands.

Preliminary discussions regarding how to implement CEDAW are under way after its February 2006 ratification. The MSD, charged with supervising “women’s issues,” is the governmental body most responsible for CEDAW’s implementation. It, along with the Ministry of Legal Affairs, the Ministry of National Economy, and the Ministry of Justice, is reviewing Oman’s existing laws to determine whether they satisfy or contradict

the convention. Oman has made a general reservation to “all provisions of the Convention” not in accordance with Shari‘a law, and has specifically made reservations against Article 9, paragraph 2 (granting women rights equal to men in respect to deciding their children’s nationality), Article 15, paragraph 4 (granting women equal freedom of movement and choice of domicile as men), Article 16, paragraph 1 (granting women equal rights regarding marriage and family life), and Article 29 (regarding arbitration of conflicts arising from the convention).¹⁰

Recommendations

- ❖ The government should bring its national laws into conformity with the equality clause in the Basic Law and the provisions of CEDAW to ensure that the laws do not discriminate against women.
- ❖ The government should provide professional training to women to increase their numbers in the judiciary at all levels and create educational programs for the public that will raise awareness about the importance of increasing the number of women in courts as officials, judges, and lawyers.
- ❖ The government should permit the formation of independent women’s NGOs and allow them to work with international organizations without government interference.
- ❖ Once formed, NGOs should work to design programs that will educate women about their legal rights and the means by which to effectively exercise them.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

People of different faiths, languages, and cultures have lived in Oman together in relative peace in recent history. While Islam is the state religion, Article 28 of the Basic Law guarantees freedom of religion as long as it is practiced in a manner that does not “disrupt public order or conflict with accepted standards of behavior.” The government generally respects this right and, overall, promotes religious tolerance. While non-Muslim residents are able to practice their religious rites, they are required to register with the Ministry of Endowments and Religious Affairs and may not proselytize or publish religious materials.¹¹

Oman’s Personal Status Law (Royal Decree No. 32 of 1997) is based on Shari‘a, assigning men and women different rights and responsibilities.

Men are financially responsible for the family while women have no such economic obligation under law. The law does not require women to be completely obedient to men and it provides women with the explicit right to work outside the home. Moreover, if a woman refuses to breastfeed her children, her husband is legally obligated to find household help.¹² Article 282 of the personal status law allows non-Muslims to follow their own religious rules when it comes to family matters.

The personal status law tends to favor the rights of men over the rights of women in marriage, divorce, inheritance, and child custody. However, its interpretation by Oman's individual judges may vary. A woman may initiate divorce proceedings under certain limited circumstances, such as abandonment or a husband's failure to meet his financial obligations, and must file legal proceedings to make the divorce final. Otherwise, women may invoke their legal right to *khula*, the Islamic practice of unilateral divorce initiated by women if they return their *mahr* (dowry).¹³ On the other hand, Omani men may divorce their wives for any reason by verbally announcing their intent to do so. Men generally retain custody of their children after a divorce except in special situations, such as if the mother is still breastfeeding the children. Regarding inheritance, Shari'a law mandates that women inherit half the amount men receive unless they are bequeathed more in a will.

Women in Oman are not entirely free to negotiate equal marriage rights. Muslim women are forbidden by law from marrying non-Muslim men, while Muslim men are free to marry outside the religion. Additionally, both men and women must seek the permission of the government to marry noncitizens, a process that may include long delays and ultimately end in a denial. Secret marriages are occasionally performed, but the spouse may be barred from the country or a child refused citizenship. Within these constraints, however, Omani women have the right to choose their husbands and are free to accept or refuse marriage partners suggested by their family, although they face societal pressures to accept their family's choice. Women may sign their own marriage contract without a guardian present, but a judge will ask the guardian to attend the marriage's registration. If the guardian refuses, the judge will complete the marriage process and the woman will sign the contract herself.

Currently, women are 25 years old on average at the time they marry, an increase from 17 years old in the 1980s and 21 years old in the 1990s.¹⁴ The trend to postpone marriage is attributed to women's increased involvement

in higher education and the workforce. Additionally, studies indicate that such a delay may also be because 45 percent of both boys and girls are afraid of becoming married and starting their own families, while 48 percent of youths are afraid of the opposite sex generally.¹⁵

Omani laws do not prohibit women from traveling abroad, and women in Oman are free to drive cars and share classes and workplaces with men. However, women must obtain written permission from their husbands before they may be issued a passport.

Slavery and slavery-like practices are prohibited under Article 12 of the Basic Law. This article protects a citizen's right to engage in the work of his or her choice "within the limits of the law." It also prohibits compulsory work except for fair compensation, in accordance with law, and for the public good. However, many women working in the private sector, both citizens and noncitizens, endure slavery-like conditions because Oman's labor laws do not regulate working conditions for domestic servants, temporary workers, or those with work contracts for less than three months. Some employers withhold wages or the passports of foreign workers so that they may more easily be forced to work. Female foreign domestic workers constitute a significant portion of noncitizen residents in Oman and are known victims of this practice. Although foreign workers have the right to file complaints with the Labor Welfare Board against their employers for illegal practices, most are either unaware of their rights or reluctant to report violations because they are fearful of losing their jobs or being deported.

The international community has recently raised concerns regarding human trafficking in Oman. In November 2006, an independent United Nations expert on human trafficking found that although some progress had been made, Oman was not adequately fulfilling its international obligations.¹⁶ In the 2008 U.S. Department of State's *Trafficking in Persons Report*, Oman was placed in "Tier 3," the lowest possible ranking, due to the country's failure to meet the minimum standards for the elimination of trafficking. The government still does not provide shelter services, counseling, or legal aid to trafficking victims and lacks a systematic procedure for identifying trafficking victims among vulnerable groups like detained migrants and women arrested for prostitution.¹⁷

In November 2008, Oman issued its first major antitrafficking law.¹⁸ The law, which came into force in December, prohibits all forms of trafficking; those who violate the law face 3 to 15 years of imprisonment and

fines. Several workshops have been held in Oman that intended to educate officials about the legislation and the phenomenon of human trafficking. The most recent, a three-day workshop organized by the Ministry of Manpower in collaboration with the International Labor Organization (ILO), was held in October 2009.¹⁹

Article 20 of the Basic Law prohibits physical and psychological torture of any kind, as well as humiliating treatment. There have been no substantiated reports of torture or harsh and degrading punishments of either male or female Omanis in recent years. Although individual complaints have been made, prisons generally adhered to international standards for the treatment of prisoners. However, independent observers lack regular access to prisons, making it difficult to ascertain how female prisoners are treated.

Oman has no specific legislation that criminalizes domestic violence. While issues of domestic violence are not raised in the media or in public reports, such abuse exists in Omani society at various levels. Undisclosed government sources have indicated that the government conducted a study confirming that domestic violence is a problem that should be addressed, but this study has not been publicly released, and figures and facts are confidential. There is no way to document complaints from victims, no methods that permit women to report violence confidentially, and no facilities for women seeking refuge from violence.

Although the OWA offers temporary aid to victims of domestic abuse, it neither acts as a long-term shelter nor advocates on behalf of victims. Instead, societal pressures encourage battered women to seek assistance and protection from their families rather than from the police or the courts.²⁰ A number of recent cases, however, have been filed by female victims of domestic violence in Omani courts. Doctors do not have a legal responsibility to report spousal abuse to the police, but they may do so in especially serious instances.

Recommendations

- ❖ A campaign should be launched to educate women about their existing marriage and divorce rights under Islamic law, including the provisions they are permitted to make while negotiating the marriage contract.
- ❖ The government should specifically outlaw domestic violence and provide gender-sensitive training and guidance to medical, police, and judicial officials who handle cases of violence against women.

- ❖ In order to understand the full extent of the problem, Oman's academic community should conduct a quantitative survey of domestic violence, including a diverse sample of women from different geographical areas and backgrounds.
- ❖ The government should either create and maintain long-term domestic shelters or encourage and provide funding for civic organizations to do so.
- ❖ The government should remove all barriers that currently prevent women from making autonomous life choices, such as the requirement for a husband's permission to obtain a passport.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Despite widespread discrimination and traditional cultural attitudes, women play an increasingly influential role in Omani society due to their growing participation in the labor force. Approximately 25.8 percent of the adult female population were active in the workforce at the end of 2007, representing nearly a two percent increase from 2002.²¹ Today, parents and husbands alike rely more heavily on the financial support provided by their daughters and wives, and divorced or widowed women actively seek out employment to support their families. Female participation in the workforce is expected to further increase as more women obtain education and delay marriage, but that will be contingent on whether society is able to address existing conservative concepts of appropriate gender roles.

A woman's right to own and use her property independently is protected under Article 11 of the Basic Law, which permits all persons to dispose of their property as they so choose. In practice, though, authorities rarely intervene when men exert control of the property of female family members because these situations are considered by society to be private matters. Choices regarding how a woman can dispose of her income and assets are usually decided by the head of the household, traditionally a man. However, women are gaining more decision-making power within the family due to their increased economic participation and corresponding ability to contribute financially to the family.

While women are legally entitled to enter into business contracts and activities at all levels, the decision to do so is traditionally made within the family and almost never individually. Men are legally required to financially support their families, including all female family members, and

courts may judicially enforce this obligation. In case of divorce, however, the amount of maintenance owed to a woman by her ex-husband is generally insufficient to meet her needs.

Article 13 of the Basic Law reaffirms that education is “a fundamental element for the progress of society which the state fosters and endeavors to make available to all.” However, women face gender-based discrimination when seeking access to postsecondary education. Women’s enrollment in universities increased from 20.7 percent in 2004 to 36 percent in 2006, but a gender-based quota system limits the number of women in disciplines such as agriculture, medicine, and engineering. Disparities also exist in the grades necessary to enroll in universities. Some female college applicants with relatively high grades choose to repeat their final year of high school to increase their chances of being admitted, while boys with lower grades are often accepted immediately.

Notably, Omani women who leave school because of marriage or family issues often return to school after establishing their social life. Women fill 97 percent of literacy classes and 32 percent of adult education classes.²² Domestic and international stakeholders recognize education as a key measure of the status of women’s autonomy, and it is commonly assumed that education will lead to increased autonomy for women in Oman.²³ Reflecting this, a royal grant was established in October 2009 to fund 500 annual scholarships for female high school graduates who meet the merit- and needs-based criteria.²⁴

Women are legally entitled to choose their careers under Article 12 of the Basic Law. This decision, however, is usually made in consultation and negotiation with a woman’s father, brothers, and/or husband, and women may face social obstacles if their choices are not supported by their male family members. The government does not interfere in family disputes concerning a woman’s career choice, meaning that women are often forced to accede to the decisions of the family patriarch.

Article 12 of the Basic Law specifically prohibits gender-based discrimination in the labor sector and emphasizes justice and equality as pillars of Omani society. By law, men and women should receive equal pay for the same work, although it is legally permissible to provide women with work benefits that are not equal to those of men. No studies have been conducted to examine whether wage disparities exist among men and women who possess the same professional qualifications. The government has made efforts to hire public sector employees in a nondiscriminatory manner, and

over one-third of government employees in Oman are women, but only a few occupy high-level posts.

Article 81 of the Oman Labor Law (No. 35 of 2003) prohibits women from working between 7:00 p.m. and 8:00 a.m. without permission from the minister of labor, although exceptions are made in certain instances, such as for health care professionals who need to work overnight. However, women are often forced to work beyond these hours by their employers without additional pay, particularly those working in the private sector. Employers are required to display the entire labor law in the workplace but often fail to do so,²⁵ and this, combined with women's generally low level of legal literacy, prevents them from knowing and demanding their labor rights.

Some gender-specific protections exist for female employees, but women often face discrimination within employment contracts and regarding labor benefits. Women are entitled to 45 days of maternity leave according to the Civil Service Law (No. 8 of 1980) and Article 83 of the labor law. However, while most employers provide insurance benefits to the families of deceased male employees, equal benefits are not provided to the families of deceased female employees, in part because women are not considered heads of households. Additionally, Oman does not have a law against sexual harassment in the workplace. Female employees are discouraged from reporting sexual harassment, not only for fear of losing their jobs but also because social pressures place the responsibility for "proper moral behavior" on them.

In 2006, Sultan Qaboos issued a law that allowed the formation of labor and trade unions and founded the General Labor Union, which was followed by the establishment of smaller labor and workers' unions. Omani workers now have the right to organize strikes and complain about working conditions, and those who participate in union activities are protected from retribution by their employers.²⁶ No unions, however, currently address women's issues.

Women participate in the workforce at a notably lower rate than men in all age categories. There are 18 women for every 100 men in the Omani workforce. Of the female workforce, 39.7 percent are employed in the education sector, 14.2 percent are in the social and health sectors, and 14.8 percent contribute in the public administration sectors and related jobs.²⁷ As of March 2008, women make up 38.3 percent of government

employees and only 17.1 percent of private sector workers.²⁸ This disparity is attributed to the fact that society is more comfortable with women working the shorter hours associated with public sector jobs. To minimize the gender gap that exists in the workforce, more opportunities for women must be provided in both the public and private sector.²⁹

Most women cite the traditional attitudes of men as the single greatest obstacle to their advancement in the workplace. These attitudes range from disapproval of women working outside the home to lack of acceptance of women holding senior positions. Further complicating matters, tradition encourages women to have a poor self-image and lack confidence, attitudes that in turn negatively impact their work performance and affect their motivation to pursue work opportunities. In addition to discrimination and lack of viable employment opportunities, these cultural issues must be addressed if women are to be fully integrated into the formal workforce.

Ideally, unions and women's rights organizations should form to address these inequalities, but this is not possible under the current Law on Nongovernmental Societies (No. 14 of 2000—NGO Law). In recent years, however, several organized events have focused on increasing women's economic participation. "Women in Focus," Oman's first business forum for professional women, was organized by a loose affiliation of businesswomen in Muscat in April and June 2004. It aimed to provide networking opportunities for female professionals and presented a variety of keynote speakers from the region. When the businesswomen who organized it attempted to register as an NGO, their application was denied and all further meetings were prohibited as illegal gatherings. In March 2008, the "Women in Business Conference" provided businesswomen with the opportunity to share their success stories and exchange experiences in an effort to encourage young women to become more active in Oman's economy.³⁰

Recommendations

- ❖ The government should work with the OWA to provide skills training and create centers that offer career counseling and opportunities for networking between working women.
- ❖ The OWA should organize classes in both rural and urban areas that provide instruction on how to start small or home-based businesses, as well as community courses on basic accounting and management.

- ❖ The government should enact laws criminalizing sexual harassment in the workplace and should establish programs to provide information and support to female victims of sexual harassment.
- ❖ The government should eliminate gender discrimination in the education sector and provide women with equal resources, funding, and access to higher and technical education facilities.
- ❖ The government should ensure that all jobs are open to women by establishing affirmative action programs in both the public and private sectors.

POLITICAL RIGHTS AND CIVIC VOICE

Omani men and women do not have the right to change their government democratically, and have only limited rights to peaceful assembly and freedom of speech. All organized activities require prior government approval, political parties continue to be banned, and all opposition to the government is prohibited. Nevertheless, the Omani political field is liberalizing gradually as women are beginning to play more important roles in the upper level of government, are registering to vote in larger numbers, and are increasingly running as candidates in parliamentary elections. Universal suffrage was offered for the first time to both women and men in the 2003 elections, although selected groups of citizens of both genders had been voting since 1994. Recently, civic associations have been established in a variety of fields, and in November 2004, the Oman Journalists Association was approved three years after submitting its application.

Oman has a bicameral advisory parliament consisting of the appointed State Council and the elected Consultative Council, neither of which has legislative powers. Elections for the Consultative Council most recently occurred in October 2007, drawing approximately 63 percent of the more than 388,000 registered voters. The number of female candidates increased from 15 in the 2003 election to 21 in the 2007 election, but for the first time since they were permitted to run as candidates in 1994, no women were elected.³¹ Some analysts blamed this on widespread vote-buying, while others contended that there were no qualified female candidates that could capture widespread support. Meanwhile, many women argue that they need extraordinary skills to compete with ordinary men if they are to overcome the bias against women leaders that continues to pervade Oman's increasingly conservative society.

Women occupy only 5.15 percent of the leadership and decision-making positions in government and are not allowed to serve as judges in Omani courts, despite constituting approximately half the population.³² They also hold few positions within the upper level of the government: 14 women were appointed by the sultan in a royal decree issued in November 2007 to serve in the 70-member State Council, and there are currently only four female ministers. In 2003, Aisha al-Siyabiah was appointed head of the Public Authority for Craft Industries, giving her the rank of minister. The remaining three are ministers with portfolio. The first, Dr. Rawiyah al-Busaidiyah, was appointed as minister of higher education in March 2004, making her first female minister with portfolio in the Gulf Cooperation Council states. Later in 2004, Rajiha bint Abdulamir became minister of tourism and Sharifa al-Yahya was appointed minister of social development. Of the four women appointed as undersecretaries in 2003, only one remained as of June 2008. In 1999, the country's first female ambassador was appointed to the Netherlands, and in 2005, a second was appointed as ambassador to the United States.

Women and men both have the right to participate in civic life and influence decision making under Article 34 of the Basic Law, which states that citizens may "address the public authorities on personal matters or on matters related to public affairs." In practice, however, men fill the majority of policymaking positions in the executive, legislative, and judiciary branches of government, thereby limiting the influence women may have on shaping and enforcing policy.

Restrictions to freedom of expression and the press are applied equally to both men and women in Oman. In theory, the Basic Law protects all forms of free expression under Article 29, but because it is illegal to criticize the sultan in any manner, journalists practice self-censorship to avoid criminal prosecution. The Oman Journalists Association is prohibited from demanding more freedoms for its members and all of its activities must be reported to the government. Women's rights issues are not frequently covered in the media and public discourse on the subject seems to be discouraged by the government.

Women are generally free to access and use information to empower themselves, as well as to share their experiences regionally. The Internet and new media have played a significant role in encouraging new generations of young women to become involved in civic work. Women are increasingly using the Internet as a means to gain and exchange information.

Few NGOs are active in Oman, and those that exist are predominantly concerned with charitable causes. Although Article 33 of the Basic Law grants citizens freedom of assembly, it limits such association to “legitimate objectives” that do not conflict with the aims of the Basic Law. Article 4 of the NGO Law limits the scope of NGOs to charitable social work or any other area approved by the minister of social development.³³ Article 5 forbids organizations from engaging in politics and interfering with religious matters; prohibits association with tribal or sectarian groupings; bans groups from associating with, participating in, or joining a foreign association without prior government approval; and requires government approval before NGOs may organize any “public ceremony, festivals or public lectures,” send delegations outside the country, or host a foreign delegation.

The MSD supervises the activities of the OWA, which was established by a group of educated, elite Omani women in 1971. It is considered to be the first women’s organization in Oman and now has 47 branches and an estimated membership of more than 3,550 women. It promotes traditional Omani customs and values but does not address sensitive issues such as civil and political rights or women’s autonomy and security. The OWA satellite branches offer services such as informational lectures on health practices, childcare, crafts training, and support for women seeking legal action or subjected to domestic abuse or forced marriages.

In 2005, newly appointed OWA board members sought government approval to address a more diverse set of issues concerning women. While programs such as computer skills and legal education were accepted by the government, the OWA was unable to secure approval for voter education courses or issues related to politics. No international women’s rights NGOs operate in Oman, and it is very difficult for international or foreign organizations to gain permission to research or conduct studies about human or women’s rights.

Recommendations

- ❖ The government should appoint women to policymaking positions and the State Council at a rate that is representative of their proportion of the population.
- ❖ The government should allow independent political associations to operate freely so that they may encourage and support women’s issues through their agendas and empower female party members.

- ❖ The government should allow independent civil society organizations to operate freely so that women's rights NGOs may address issues that directly affect women, as well as compile and distribute information about their social and economic standing.
- ❖ The OWA should organize girls' debate clubs to encourage women to develop oratory and persuasion skills, which are often necessary for successful political careers.

SOCIAL AND CULTURAL RIGHTS

Omani women face significant obstacles in their efforts to establish social and cultural equality with men. Although women are respected and appreciated in community life, there is a clear cultural preference for males. When the growing rights of women threaten the traditional privileges of men, society tends to err on the side of men.

Women are not entirely free to make decisions about their health and reproductive rights. The written consent of a male relative is necessary before a woman may have surgery of any kind, and a husband's permission is necessary before birth control may be made available to a woman. Also, abortion continues to be illegal except to save the life of the mother.³⁴ Beyond those limitations, women are entitled to equal access to health services, which is free in public hospitals and widely available, even in rural areas. Family planning is practiced in Oman, and a birth-spacing program was initiated by the government in 1994 in an effort to educate married couples about the benefits of family planning. Unattended births and the maternal mortality rate have decreased; the number of children per mother has also declined to 3.1 in 2007 from 6.6 in 1990 to 4.4 in 2004.³⁵

The Omani government has neither formally prohibited female genital mutilation (FGM) nor initiated any public education campaigns regarding its dangers. FGM is not common in Oman, but it is still performed in some small communities in the Dhofar and Al-Batinah regions, although the practice seems to be declining. This is hard to determine because no formal statistics exist. Like domestic violence, FGM is considered to be a private matter about which society is reluctant to talk. However, in 2008 the Ministry of Health assured the CEDAW committee that the practice is considered a crime because it is the intentional

infliction of bodily injury. Additionally, the ministry launched an awareness campaign the same year that is intended to educate people about the negative effects of FGM.

A woman who is not the head of her household has traditionally faced significant challenges to her right to property and ability to secure loans. Previously, Oman's housing benefits were granted only to heads of households, a status that women could achieve only if they are widowed or divorced. However, the government land entitlement system was amended in November 2008. Men and women may now apply for residential plots of land subject to the same criteria: all applicants must be over the age of 23 if single or 21 if married.³⁶ Additionally, the government issued instructions that all loans from the public housing bank be distributed equally to men and women who are over the age of 21 and own a plot of land.³⁷

In general, older, illiterate women have difficulty owning property or participating in economic activities in the modern sector of the economy. The MSD has increasingly taken into account the housing needs of individuals, particularly women who are widowed and/or poor, by either providing free housing, collecting housing payments in low monthly installments, or sharing expenses depending on the financial condition of the person or the family.

Omani women are active participants in community life and help to implement social development policies, which are generally formulated at the national level. Local elected offices do not exist, but women often belong to their local associations, which combat poverty and educate women regarding pressing health issues. Local Al-Wafa centers that help children with disabilities also attract female volunteers.

Women can influence and participate in the national media, but freedom of expression is very limited in Oman (see "Political Rights and Civic Voice"). While prohibited from accusing the government or sultan of any wrongdoing, male and female members of the media are generally permitted to discuss social and cultural issues. Whether a woman may discuss political issues depends more on her social status than on government restrictions, and her family or husband may forbid her to appear on television or talk to the press. Despite these social constraints, many women work in the media, especially television and radio, and hold some supervisory positions within the state-run media outlets. All higher-level positions, however, are held by males.

The poor in Oman are entitled to financial assistance from the MSD, but it is not enough to meet their basic needs. As women in Oman typically rely on male relatives for financial maintenance, divorced and widowed women often lack the means to support themselves and their children. Recognizing that single women are the most vulnerable to poverty, the Social Security Act was amended in 2008 to increase monetary support for widows, divorcees, abandoned women, unmarried girls, and women with a family member in prison. This increase, however, does not adequately correspond to the recent sharp rise in the cost of living felt throughout the world, and these women remain vulnerable to poverty.

The government has designed programs that provide support services and income-generating training programs in an effort to aid those deemed susceptible to poverty, particularly widows and unemployed women. The Sanad Project, or support project, for example, helps young men and women start their own businesses and provides vocational training for women in industries such as tailoring and childcare. Additionally, in November 2009, Sultan Qaboos established a fund of 7 million Omani rials (approximately US\$18.2 million dollars) for women involved in agriculture.³⁸

Organizations are limited in their ability to advocate freely for the promotion and protection of women's rights in Oman. The OWA and the local organizations it controls work to provide vocational training, health care, and literacy campaigns for women, but these groups do not have the authority to address more sensitive issues regarding women's rights and lack the proper training and knowledge necessary to do so. Although there seems to be a lack of general awareness regarding the importance of volunteer work, many Omanis volunteer for the civic organizations that do exist. To encourage volunteerism, a royal directive was issued on October 19, 2008, that offers a permanent headquarters for all OWA-affiliated associations that currently lack facilities and increased funding to the OWA.³⁹

Omani women often do not exercise their existing rights because of societal pressures and a lack of legal knowledge. When they do, they are faced with additional barriers such as unsympathetic government officials, prejudiced judges, and disapproval by family and society. Thus, even though there are laws that protect women, greater effort must be made to create a supportive, gender-sensitive environment that addresses the legal rights of women in the implementation of such laws.⁴⁰

Recommendations

- ❖ The government should encourage the Ministry of Social Development to develop programs that directly address societal perceptions about women.
- ❖ The government should establish a 10-year strategy to address gender discrimination in its various forms. The strategy should include short-term goals that establish gender-sensitive education curriculum and encourage the media to address gender inequalities and biases.
- ❖ The government should issue a law that bans female genital mutilation and expand its public education campaigns against this harmful practice.

AUTHOR

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NOTES

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