



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Sultanate of Oman



CEDAW

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines discrimination against women as:

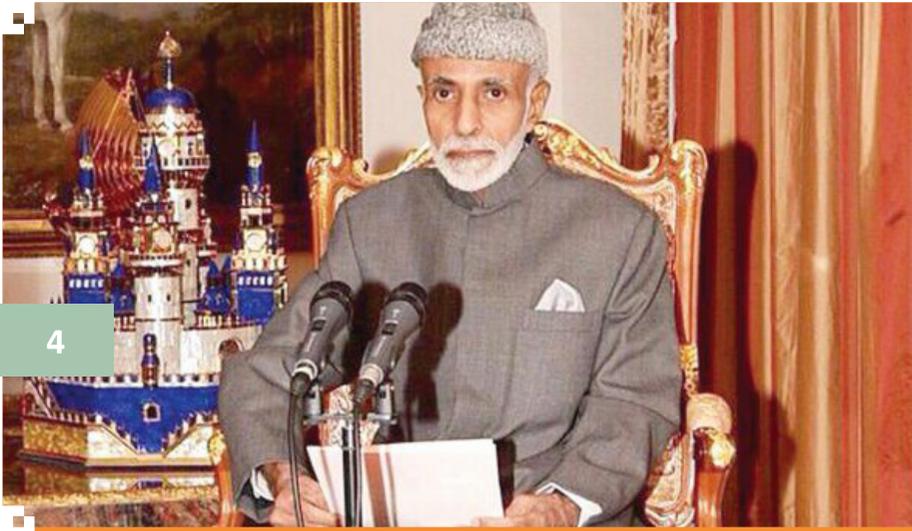
“... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

The Convention was adopted by the United Nations General Assembly in 1979. It was designed, and obligates States Parties, to protect women’s rights in both peacetime and wartime against inequality and exploitation, and to give them a status in any society equal to that of men.



Since acceding to the Convention in 2005, Oman has maintained reservations to Article 9, para. 2 (granting women equal rights with men with respect to the nationality of their children), Article 15, para. 4 (giving men and women the same rights with regard to freedom of movement and the freedom to choose their residence and domicile), and the whole of Article 16 (covering marriage and family relations). It justifies its objections to these provisions of CEDAW on the grounds that they do not conform to Islamic Sharia law. The Sultanate has also declared that it does not consider itself not to be bound by Article 29, para. 1 (regarding arbitration of disputes with other States over the terms of CEDAW).

In January 2019 the ruler of Oman, Qaboos bin Said, issued Decree No. 3/2019 announcing Oman's ratification of some amendments and the lifting of its reservations to "certain clauses" of CEDAW. And which clauses were those? In fact only one paragraph, para. 4 of Article 15, was covered by the "lifting of reservations" referred to, and the Decree said nothing new about the right of an Omani woman to pass on her nationality to her children other than by an Omani father, or her right to marry a non-Omani man



It should be pointed out that Omani law discriminates against women in the following ways

For an Omani woman to pass on her nationality to a non-Omani hus-

- the husband must have obtained the government's consent prior to the marriage;
- he must have children from the marriage;
- he cannot apply for Omani citizenship until 15 years after the marriage;
- he has to live in Oman continuously for the 15 years, spending no more than 60 days a year outside the country;
- ... and he may still not obtain citizenship even after fulfilling all of these conditions.

An Omani wife may not “sponsor” her husband to help him to obtain a residence permit. The husband will not be granted residence in the Sultanate without an employment contract, and in any case this will not imply consent to his marriage to her; indeed he may find himself being sentenced to prison if he lives with his wife without a marriage permit from the Ministry of Interior.

The residence rights of the children of such a marriage are dependent on the father’s residence status, and the children are obliged to leave Oman if the father’s residence permit is cancelled

For an Omani woman to apply for the naturalisation of children by a non-Omani father

- the mother must be widowed or divorced, or separated from her husband for at least 10 years, confirmed by a court order;
- the child/children must live in Oman for 10 consecutive years before applying for Omani citizenship; and
- the parents' marriage must have had prior government consent.

A mother may not “sponsor” her children except in the case of divorce or widowhood, and provided they are under 18 years of age. The residence permits of such children must be renewed every two years, and they do not have the right of residence beyond the age of 18 years. Such children are not entitled to compete for government scholarships to go to universities abroad, have no rights to own or inherit property, and have no civil or political rights at all.



Meanwhile, if an Omani man (having obtained the Ministry of Interior's consent) marries a foreign/non-Omani woman, he is much better treated, and enjoys the following rights:

- his wife becomes an Omani citizen after living in the country for 10 consecutive years;
- their children are Omani citizens from birth;
- the wife has the right to remain resident in Oman if he divorces her and has children by her; and
- the children enjoy the same rights and privileges as any other Omani citizen without discrimination.



Omani law, and the Omani legislator, do not respect women’s rights and continue to violate them, always offering the same justification, namely that the CEDAW clauses to which the Sultanate has entered reservations breach the provisions of Islamic Sharia law, and do not take account of the resulting “specificity” of Muslim society.

How, in your opinion, can those who make the laws in Oman be persuaded to draw up legislation that treats women fairly, strengthens their position in society, and guarantees their right freely to marry whoever they want without suffering punitive discrimination against themselves, their husbands and their children?

