

CSW Communications Procedure
Human Rights Section
UN Women
220 East 42nd Street, 17th Floor
New York, NY 10017
Via Email: cp-csw@unwomen.org

31 July 2020

Re: Communication on the government of Oman’s need to amend its sex discriminatory laws and harmful practice of female genital mutilation

Dear Commission Members,

Pursuant to Economic and Social Council resolution 76 (v) of 5 August 1947, as amended by Economic and Social Council resolution 341 (XI) of July 1950,¹ today Equality Now and the Omani Association for Human Rights file a communication² in reference to Equality Now’s 5th Edition of *Words & Deeds: Holding Governments Accountable in the Beijing +25 Review Process* (2020), highlighting a sample of expressly sex discriminatory laws.³ Equality Now calls on all governments to review their legislation and remove or amend all provisions that discriminate on the basis of sex.

The Omani laws cited below are only a few of many such laws around the world. The human rights of women and girls are violated by the cited law, which restricts the right of the child’s custodian (normally the mother) to travel abroad with the child without the approval of the guardian (who is required to be male).

The laws provide:

Personal Status Law, 1997

Article 134. *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.*

¹ The Economic and Social Council has reaffirmed the mandate of the Commission on the Status of Women to receive communications on the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993, 2009/16 of 28 July 2009 and decision 2002/235 of 24 July 2002.

² Equality Now hereby waives any claim of confidentiality to which we may be entitled in the communications process.

³ Available in English, French, Spanish and Arabic at https://www.equalitynow.org/words_and_deeds_beijing25_report

Article 11. (B) *The guardian must be a male, wise, adult, not forbidden by Hajj or 'Umrah, Muslim if the child is a Muslim.*

Discrimination in Citizenship Law: Royal Decree No 38/2014 Promulgating the Omani Citizenship Law

Under the Citizenship law⁴ of Oman, mothers cannot pass on their nationality to their children and spouses on an equal basis with men. For example, under Article (11) A person shall be deemed Omani national in the following cases:

1. *If he is born in Oman or abroad and his father, at the time of birth, was Omani national.*

Sex-discriminatory nationality laws threaten to destroy and disperse affected families. There are grave consequences when women are denied the right to pass on their nationality to their children on an equal basis with men. It can threaten family stability, create statelessness, cause poverty and a loss of identity. Difficulties in having access to health services and education facilities, loss of job opportunities, an increase in child and forced marriages, trauma, social marginalization and a lack of political, social and economic rights, which violates international law, are also some of the consequences such discriminatory laws.

Additionally, Equality Now and the Omani Association for Human Rights submit this communication to highlight the continued practice of Female Genital Mutilation (FGM) in Oman, as featured in Equality Now's report *Female Genital Mutilation/Cutting: A Call for a Global Response* (2020).⁵ The importance of eliminating FGM is recognized within Goal 5 of the Sustainable Development Goals (SDGs), dedicated to achieving gender equality.⁶ Target 5.3 under this goal requires all 193 countries that signed onto the SDGs to take action to "eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation".

FGM is reportedly practiced throughout Oman. A 2018 survey of 200 women in the Ad-Dakhiliya province found that 95.5% of the women surveyed had undergone FGM. 85% of participants expressed support for the practice.⁷ A 2014 study in the capital of Muscat surveyed 100 women from various regions across Oman and found an FGM prevalence of 78% among the survey sample. The survey also found that the practice continued to take place in 64% of families.⁸ The lack of national data on FGM in the country means that is difficult to determine whether the practice of FGM is spread throughout the country, to identify areas/communities where prevalence is highest, and to design prevention and protection interventions to effectively

⁴ Royal Decree No38/2014 Promulgating the Omani Citizenship Law
<https://www.refworld.org/pdfid/58dcfe444.pdf>

⁵ Available at https://www.equalitynow.org/fgmc_a_call_for_a_global_response_report

⁶ Available at <https://sustainabledevelopment.un.org/post2015/transformingourworld>

⁷ Thabet & Al-Kharousi (2019). Hoda Thabet & Azza Al-Kharousi, *Female Genital Mutilation in the Middle East: Placing Oman on the Map* (2019).

⁸ Al-Hinai (2014). Habiba Al Hinai, *Female Genital Mutilation in the Sultanate of Oman*, January 2014. Available at <http://www.stopfgmmideast.org/wp-content/uploads/2014/01/habiba-al-hinai-female-genital-mutilation-in-the-sultanate-of-oman1.pdf>

tackle FGM and provide care for survivors. Commendably, the Government of Oman has amended the Child Law in August 2019, and has prohibited the practice of FGM in any manner, and declared FGM to be a harmful practice.⁹ However, the government of Oman must take steps to implement and enforce the relevant laws, and put an end to FGM – thus ensuring the protection of girls.

Equality Now and the Omani Association for Human Rights requests that the Commission call upon Oman to change its discriminatory laws to eliminate and remedy these violation and take decisive legal and policy action to eliminate the harmful practice of FGM. If action has not been taken within one year, Equality Now requests that the Commission refer the matter to the Economic and Social Council with a recommendation that it take action in order to end the persistent pattern of injustice and discrimination against women and girls that sex discriminatory laws constitute and promote.

Sincerely,



Yasmeen Hassan
Global Executive Director
Equality Now



Habiba Al Hinai
Executive Director
Omani Association for Human Rights

⁹ Article 4, Child Law, Official Gazette No. 1305