



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the initial periodic report of the Sultanate of Oman at the Committee's fiftieth session, held in October 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/OMN/CO/1). You may recall that in the concluding observations, the Committee requested the Sultanate of Oman to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 28 and 45 of the concluding observations.

The Committee welcomes the follow-up report received with a 25-month delay in November 2016 (CEDAW/C/OMN/CO/1/Add.1) under the CEDAW follow-up procedure. At its sixty-seventh session, held in July 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 28** of the concluding observations, that the State party “adopt a specific law on violence against women, including domestic violence, in line with the Committee's general recommendation No. 19 (1992)”: The State party reported that domestic violence and violence against women are covered by the Penal Code, which criminalizes all forms of physical and psychological violence. It added that a new penal code is being drafted, which is expected to review the provisions criminalizing violence against women. The State party thus “sees no need at the present time to adopt a specific law on violence against women because adequate measures have already been taken and effective mechanisms developed” (para. 28).

The Committee notes that the dispositions of the Penal Code criminalizing all forms of physical and psychological violence are being revised. It however regrets that the State party does not consider it necessary to implement the Committee's recommendation to adopt a specific law on violence against women, including domestic violence. It considers that the recommendation **has not been implemented**.

His Excellency
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In relation to the recommendation that the State party “establish appropriate redress mechanisms accessible to all women including domestic workers, who are victims of violence”: The State party indicated that victims of all forms of physical and psychological violence, including women and domestic workers, have recourse to the competent judicial authorities.

The Committee takes note of the information provided that all victims of violence may have recourse to judicial authorities. It however regrets that the State party did not establish redress mechanisms for women victims of violence, including domestic workers, as recommended. It considers that the recommendation **has not been implemented**.

With regards to the recommendation that the State party “ensure that perpetrators are prosecuted and adequately punished”: The State party reported on the roles of the Royal Omani Police, the Public Prosecutor, the Supreme Judicial Council (courts) and the Ministry of Health in the investigation and judgement of cases involving violence against women.

The Committee takes note of the roles of the different instances in the investigation and judgement of cases involving violence against women. It however regrets that the State party did not take measures to ensure that perpetrators are prosecuted and punished, following the Committee’s recommendation. It considers that the recommendation **has not been implemented**.

In relation to the recommendation that the State party “strengthen support measures such as shelters, counselling, and rehabilitation services throughout the territory of the State party”: The State party indicated that under the Penal Code, women victims of violence are entitled to protection and care until judgement is rendered in their cases, and that under the Anti-Trafficking Act, women victims of human trafficking are provided with legal protection, health care, psychological counselling and cultural services through the Dar al-Wifaq women’s shelter until their cases have been resolved. It added that the centre accepts cases from all governorates of the Sultanate, without discrimination on the basis of nationality or geographical location.

The Committee welcomes that women victims of violence and trafficking are provided with temporary shelter, health care, social and psychological support, as well as advice on legal matters are provided through the Dar al-Wifaq women’s shelter. It however regrets that only one center covers all cases of violence against women throughout the State party. It also regrets the lack of rehabilitation services, and that the protection and support provided are terminated upon resolution of cases. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party: “provide gender-sensitive and violence-focused training for the judiciary and law enforcement officers and health professionals”: The State party reported on a workshop for judges, lawyers, civil society and stakeholders on international instruments. It added that eleven psychological specialists were sent to Kuwait for training in the field of social protection.

The Committee takes note of trainings on international instruments provided for judges, lawyers, civil society, stakeholders, and, in the field of social protection, for psychologists. It however regrets that no gender-sensitive and violence-focused training was provided for these actors and for health professionals in general. It considers that the recommendation **has been partially implemented**.

Concerning the recommendation that the State party “ratify ILO Convention No. 156 (1981) and the Convention on Migrant Workers”: The State party reported that it has closely studied the accession to human rights instruments to which it is not yet party and prioritizes accession in accordance with their importance.

The Committee takes note of the information provided and regrets that the State party prioritizes the accession to other human rights instruments than the ILO Convention No. 156 (1981). It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “establish a protection and monitoring system for migrant domestic workers”: The State party reported that several Government agencies are currently working together to create a database on cases of abuse.

The Committee welcomes the initiative to create a database of cases of abuse, but regrets that the State party has not taken steps to establish a protection and monitoring system for migrant domestic workers. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 28 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Adopt a specific law on violence against women, including domestic violence, in line with the Committee’s general recommendation No. 19 (1992).
2. Establish appropriate redress mechanisms accessible to all women including domestic workers, who are victims of violence.
3. Take measures to ensure that perpetrators are prosecuted and adequately punished.
4. Strengthen support measures such as shelters and counselling throughout the territory of the State party and introduce rehabilitation services.
5. Provide specific gender-sensitive training on violence against women and girls to the judiciary, law enforcement officers and health professionals.
6. Ratify ILO Convention No. 156 (1981) and the Convention on Migrant Workers.
7. Establish a protection and monitoring system for migrant domestic workers.

Regarding the recommendation made in **paragraph 45** of the concluding observations, that the State party “embark on law reform with regard to the Personal Status Code, taking into consideration the experiences of countries with similar religious backgrounds and legal systems that have successfully accommodated their domestic legislation to commitments emanating from the legally binding international instruments they have ratified, specifically with respect to matters of property, divorce, inheritance and the requirement of the “wali” in entering marriage”: The State party informed that “there is nothing in the Personal Status Act [...] that discriminates against women.” (para. 45). It furthermore reported on dispositions of the Omani Civil Code which provide that both men and women have capacity to undertake civil transactions without discrimination, and that women have the right to own, sell and purchase property and enter into commercial transaction. It also indicated that the Personal Status Act allows married women to initiate a divorce if the husband has given her authority over her own affairs. It further indicated that provisions of the Personal Status Act on inheritance do not discriminate against women, and that Omani legislation views men as having more obligations than women. Moreover, the State party informed that the Personal Status Act determines the woman’s acceptance of her husband with full and complete consent as condition to contract a marriage. It added that the intervention of a guardian is a further condition for contracting a marriage.

The Committee takes note of the description of current legislation regulating matters of property, divorce, inheritance and marriage. It however regrets that the State party has not taken steps to reform this legislation. It considers that the recommendation **has not been implemented**.

In relation to the recommendation that the State party “prohibit polygamy, in accordance with the Committee’s general recommendation No. 21 (1994)”: The State party reported that polygamy remains legitimate under the Personal Status Act, which stipulates that a woman may ask for a divorce if her husband’s additional marriage results in harm to her.

The Committee takes note of the information provided by the State party. Regretting that the State party did not take steps to prohibit polygamy, it considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “continue with efforts to ensure that the practice of dowry does not negate or curtail women’s fundamental human right to freely choose their spouse”: The State party mentioned that marriage cannot be contracted without dowry, but that article 17 of the Personal Status Act requires full consent and acceptance of both parties on the offer made by one party for contracting marriage. It added that article 23 of the same act provides that the dowry is the property of the woman.

The Committee takes note of the description of dispositions in the Personal Status Act regulating the practice of dowry. It however regrets that the State party did not indicate the steps it took to continue with efforts to ensure that the practice does not negate or curtail women’s fundamental human right to freely choose their spouse. It considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 45 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Reform the Omani domestic legislation, inter alia the Personal Status Code, to harmonise it with commitments emanating from the ratified and legally binding international instruments, specifically with respect to matters of property, divorce, inheritance and the requirement of the “wali” in entering marriage.
2. Prohibit polygamy, in accordance with the Committee’s general recommendation No. 21 (1994).
3. Efforts made to ensure that the practice of dowry does not negate or curtail women’s fundamental human right to freely choose their spouse.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women