



**Migrant-Rights.org Submission to the Committee on the Elimination of Discrimination  
Against Women in Oman**

Session: **Pre-sessional Working Group for the 86<sup>th</sup> session**

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## Introduction

1. Migrant-Rights.org is a GCC-based advocacy organisation that aims to advance the rights of migrant workers. For over 15 years, we have documented and spotlighted emerging migrant rights issues and abuses across the GCC; worked closely with key stakeholders across the ecosystem, supporting them to implement our recommendations in their unique contexts; and nurtured interregional networks of migrant rights organisations, to strengthen solidarity, knowledge sharing and community support.
2. Migrant-Rights.org works closely with migrant workers, non-governmental organisations, activists, civil society organisations in Oman. The information and analysis provided in this shadow report are based on our reporting on the country and our engagement with the above stakeholders.
3. Discrimination and violence against women are widespread in Oman, and are both codified in Oman law and prevalent in the culture. While all women experience discrimination, the vulnerability varies across several intersecting factors such as nationality, race, ethnicity and social class, with low-income migrant women, and female domestic workers, in particular, the least protected. According to the most recent statistics from Oman's National Centre for Statistics and Information, there were 169,000 migrant women working in Oman's private sector at the end of 2021, accounting for around 43% of all women employed in the country's private sector. Domestic workers account for the majority (79%) of all female migrant employment in Oman's private sector, with roughly 133,000 workers registered in 2020.<sup>1</sup> The actual number of domestic workers is likely much higher, given that many workers in this sector are workers with irregular status.
4. Oman acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 2006 through [Royal Decree No. 42/2005](#), but made five reservations, and did not ratify the optional protocol of preventing violence against women. The reservations entered are:
  - a. General reservation to provisions not in accordance with Islamic sharia and legislation in force in Oman.
  - b. Article 9 (2) states that women should have equal rights as men with respect to the nationality of their children.

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<sup>1</sup> "Labour market - Data Portal." <https://data.gov.om/byvmwhe/labour-market>.

- c. In 2019, Oman withdrew its reservation on Article 15(4), which states the right to movement of persons and freedom to choose residence and domicile. However, the lack of Omani women’s right to transfer nationality to their husbands and children in effect limits their freedom to choose residence.<sup>2</sup>
  - d. Article 16 (a), (c) and (f), states the need to provide equal marital rights and responsibilities for females and males, particularly to enter marriage, during marriage and at its dissolution. Also, to provide women equal rights regarding guardianship, wardship, trusteeship and adoption of children.
  - e. Article 29 (1) relates to disputes between states.
5. This submission will examine Oman’s compliance with CEDAW regarding issues related to articles 1, 2, 6, 9, and Article 11 of the Convention, and will make recommendations to the Oman government for each of the articles. Migrant-Rights.org welcomes any requests from the Committee to discuss and/or provide further detail regarding this submission.

## Article 1 and 2 (Policy measures)

- 6. Article 15 (1) of Oman’s new Constitution which was promulgated by Royal Decree No. 6 of 2021 concerns justice, equality, and equal opportunities among *citizens (emphasis added)*, excluding migrants who constitute nearly 67% of the labour force and 30% of Oman’s total population. The State party’s report (CEDAW/C/OMN/4, para 20) claims that Article 15 (3) of the constitution provides a guarantee against discrimination for everyone, irrespective of citizenship, and that Article 18 guarantees the state. However, neither Article 15 (3) nor Article 18 concern justice, equality, or equal opportunity. Article 15 (3) concerns family as the foundation of the society, states that religion and national values are its basis, and guarantees equality between men and women. Article 18 concerns life and dignity as rights of every human being and that the State is obliged to respect and protect them.
- 7. Article 21 of Oman’s Constitution concerns equality of *citizens (emphasis added)* before the law, excluding migrants. The exclusion of non-citizen migrants from equality before the law contravenes Oman’s obligation under article 2 of CEDAW. Migrants should be entitled to equality before the law, equal protection, and recognition before the law.

## Article 11 (Employment)

- 8. Oman Labour Law No. 35 of 2003 states separate rules for employing women in chapter 2. According to article 82 women are prohibited from types of work described in the law as “hard and harmful to health.” The law is unclear on what constitutes "hard" and uses a gendered assumption that hard work is unsuitable for women. The law limits women’s work opportunities in certain sectors and denies them full enjoyment of their right to employment.
- 9. With sparse legal protections and their “invisibility” in the private sphere of the home, migrant domestic workers are among the most vulnerable groups in Oman. They face discrimination due to multiple factors such as race, nationality, ethnicity, and social class. Oman is the only country in the Gulf that does not have a separate law for domestic workers,

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<sup>2</sup> Joint Submission to the Human Rights Council at the 37th Session of the Universal Periodic Review, para 18.

while also excluding them from all aspects of the labour law.<sup>3</sup> This means that the over 30,000<sup>4</sup> women in the domestic work sector lack basic rights and cannot enjoy the same protections available to other workers, such as minimum wage, maximum working hours and overtime pay.<sup>5</sup>

10. Furthermore, domestic workers' exclusion from the labour law also precludes them from protection against discrimination based on sex in respect of the same work and against dismissal due to maternity.<sup>6</sup> Instead, pregnant domestic workers are vulnerable to being criminalized for sex outside of marriage.
11. While Oman criminalizes both sex outside of marriage and abortion, even in the case of rape,<sup>7</sup> it does not have a law on sexual harassment at the workplace or domestic violence. Article 266 of the Penal Law states a punishment for indecent acts and harassment, such as if a male offends a female modesty or harasses her by word or conduct. Articles 257 and 258 of the Penal Law also address non-consensual sexual intercourse and sexual assault, and applies a greater penalty if the victim is a paid employee of the abuser; however, comprehensive protections such as those in keeping with the ILO's C190 - Violence and Harassment Convention are lacking. Furthermore, reporting rape can lead to the victim's own criminalization under *zina* laws.<sup>8</sup>
12. The State party's report (CEDAW/C/OMN/4, para 103) states that Article 24 of the Aliens' Residency Act has been amended to allow foreign nationals to transfer their residency permits from one employer to another without requiring a no-objection certificate (NOC) from the previous employer.<sup>9</sup> The state acknowledges that the reform is intended to improve working conditions for non-Omani workers more stable, and specifically notes, "*These laws, regulations, provisions, and decisions implemented have helped to protect working women from ill-treatment.*" However, an employer's permission to change jobs is still required in many circumstances. There are only six conditions under which migrant workers do not require an NOC: if they have worked the full length of their work permit/visa; completed fixed or project term contracts; were dismissed for reasons other than disciplinary actions,

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<sup>3</sup> Royal Decree No. 35/2003, article 2 (3)

<sup>4</sup> While all women experience discrimination, the vulnerability varies across several intersecting factors such as nationality, race, ethnicity and social class, with low-income migrant women, and female domestic workers, in particular, the least protected. According to the most recent statistics from Oman's National Centre for Statistics and Information, there were 169,000 migrant women working in Oman's private sector at the end of 2021, accounting for around 43% of all women employed in the country's private sector. Do Bold, 2022, *MAPPING HER JOURNEY: Documenting Widespread Issues Affecting Sierra Leonean Domestic Workers in Oman Using Primary, Real-Time and Near Real-Time Data* <https://www.dobold.org/wp-content/uploads/2022/09/Mapping-Her-Journey-Compressed.pdf>,

<sup>5</sup> Domestic work is governed by a sparse set of regulations encoded in Ministerial Decree No.189 of 2004 on Labour Rules and Conditions for Domestic Employees; Ministerial Decision No. 1/2011 Organising Manpower of Non-Omanis, "Employment Contract for Domestic Workers and Similar Jobs; (Standard Employment Contract (2011); Circular No. 2 in 2006; and

Royal Decree No.101/1996 Basic Law of the Sultanate of Oman.

<sup>6</sup> Articles 80 and 84 of the Labour Law.

<sup>7</sup> Articles 315-318 of the Omani Penal Law.

<sup>8</sup> "Tanzania: Migrant Domestic Workers in Oman, UAE Abused." 14 Nov. 2017, <https://www.hrw.org/news/2017/11/14/tanzania-migrant-domestic-workers-oman-uae-abused>.

<sup>9</sup> Ministerial Decision 157 of 2020 <https://mjla.gov.om/eng/legislation/decisions/details.aspx?Id=1475&type=D>

were dismissed arbitrarily or made redundant due to the employer's liquidation; or if a court ruling ordered their transfer to a new employer.<sup>10</sup>

13. Though the amendment does not specifically mention domestic workers, the absence of their explicit exclusion suggest that domestic workers are included in its scope. However, the standard domestic workers contract only allows for domestic workers to unilaterally end the contract if their employer has violated legal obligations towards them, and must be able to prove so.<sup>11</sup> While paragraph 2 of Article 24 states that "anything that contravenes this decision or contradicts its provisions shall be repealed," the government has not explicitly clarified any amendments to the standard contract, nor stated publicly that domestic workers can change jobs without their employer's permission.
14. The law's ambiguities aside, it remains extremely difficult for domestic workers to change jobs in practice for a number of reasons, lack of awareness of the law, the inability to freely leave the private homes they work, particularly for those who are employed in areas far from major cities. Additionally, employers often retain their personal documentation, including passports. Though confiscating passports and personal documents is illegal under Omani Law, the law is poorly enforced. Domestic workers who told authorities that their employers withheld their passports reported little to no action taken to retrieve their documents or penalize the employer.<sup>12</sup> Domestic workers have reported that attempts to obtain support from authorities, including the police and the Ministry of Manpower, are often futile, and they must wait for intervention from their own embassies. Restrictions on civil society organizations mean there are virtually no non-governmental resources to support migrant workers.<sup>13</sup>
15. Without adequate avenues for redress, most domestic workers in exploitative or otherwise unwanted employment situations have little choice but to leave their place of employment. However, leaving employment without permission is considered "absconding" and punishable by forfeiture of end-of-service benefits, fines, detention, and deportation. Employers and recruiters can threaten workers with false claims of absconding to ensure their subservience.<sup>14</sup> While domestic workers were included in reforms that offer workers some protection against false absconding charges (Ministry of Manpower Ministerial Decision Number 270/2018), the actual protections for domestic workers is lower. While employers of

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<sup>10</sup> "Update on No Objection Certificates in Oman." 10 Aug. 2021, <https://www.addleshawgoddard.com/en/insights/insights-briefings/2021/employment/update-on-no-objection-certificates-in-oman/>.

<sup>11</sup> Domestic workers cannot choose to end their contracts at will. They can only end contracts, with 30 days notice, if employers violated any of their obligations listed in Article 5 of the standard contract. A domestic worker may terminate his/her contract if the employer violates any of the basic legally acknowledged obligations or provisions of the employment contract or if he/she can prove any abuse by the employer. Ministerial Decision No. 1/2011 Organising Manpower of Non-Omanis, "Employment Contract for Domestic Workers and Similar Jobs; (Standard Employment Contract (2011) <http://www.omanlegal.org/law/omanlegal/2011-1-1-1.pdf>;

<sup>12</sup> Do Bold, 2022, *MAPPING HER JOURNEY: Documenting Widespread Issues Affecting Sierra Leonean Domestic Workers in Oman Using Primary, Real-Time and Near Real-Time Data* <https://www.dobold.org/wp-content/uploads/2022/09/Mapping-Her-Journey-Compressed.pdf>,

<sup>13</sup> "Community groups struggle to meet rising needs among Oman's ...." 2 May. 2020, <https://www.migrant-rights.org/2020/05/oman-covid19/>. Organizations that support domestic workers are either informal or based outside of Oman, due to restrictions on establishing non-governmental organizations.

<sup>14</sup> Article 5 (3) of 189 of 2004 concerning labour rules for domestic workers employees states that the employment contract should contain the recruiter's obligation to notify the Manpower Ministry in cases of absconding.

labour law workers are required to submit documentation substantiating their claims, including bank statements that prove the worker was paid for the last 3 months, employers of domestic workers need only to provide “written proof” that the worker has received their wages.<sup>15</sup> Given that domestic workers are not required to be paid by bank transfer and are excluded from the Wage Protection System, this “proof” can take the form of easily forged handwritten receipts.<sup>16</sup> With the burden of proof for reporting domestic workers lower,

16. In situations where women face abuse, leaving the employer’s home can be their only means of escape. However, if they are caught, they can be returned to their employer and often face retribution at the hands of their abuser, as in the story of Indonesian domestic worker Aditya F.<sup>17</sup> Workers may be subject to a fine that ranges between 400 and 800 rials, (US\$1,040–2,079), deportation and an entry ban.<sup>18</sup>
17. Oman’s procedures for resolving disputes between employers and workers are inadequate and difficult for most workers to access. Though the country operates a shelter for victims of trafficking and other abuses, in practice the shelter is rarely utilized by domestic workers leaving exploitative conditions. Instead, some embassies operate informal shelters to house workers with complaints and those who seek to leave the country.<sup>19</sup> During the Covid-19 crisis, hundreds of domestic workers escaping exploitative working conditions were living outside the Ministry of Manpower’s offices with no support from the government.<sup>20</sup>

## Article 6 (Trafficking and exploitation of prostitution)

18. The domestic work sector in Oman is rife with trafficking and forced labour. Many workers report being tricked into travelling to Oman via other Gulf countries such as the UAE,<sup>21</sup> or are promised work in Oman in another sector. Several human rights groups and media outlets have reported on women who arrive to Oman on visit visas, rather than work visas, and are forced to work as domestic workers without proper documentation.<sup>22</sup>

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<sup>15</sup>Ministry of Manpower Ministerial Decision Number 270/2018 Issuing the Organizational Code Relevant to Reporting Non-Omani Manpower Leaving Work <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/107214/131901/F-1034183370/Oman%20Ministerial%20decision%20270%20of%202018.pdf>

<sup>16</sup> The Wages Protection System (WPS) is an electronic salary transfer system in which Ministry of Manpower retains a database that records wage payments in the private sector to guarantee the timely and full payment of agreed-upon wages. <https://omanportal.gov.om/wps/wcm/connect/EN/site/home/gov/gov22/WPS/>

<sup>17</sup> Human Rights Watch, 2016, “*I Was Sold*” Abuse and Exploitation of Migrant Domestic Workers in Oman, <https://www.hrw.org/report/2016/07/13/i-was-sold/abuse-and-exploitation-migrant-domestic-workers-oman>, accessed on 10/1/2023.

<sup>18</sup> Ministry of Manpower, Ministerial Decision No. 270/2018 <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/107214/131901/F-1034183370/Oman%20Ministerial%20decision%20270%20of%202018.pdf>

<sup>19</sup> "2022 Trafficking in Persons Report: Oman - State Department." <https://www.state.gov/reports/2022-trafficking-in-persons-report/oman/>.

<sup>20</sup> "Freetown to captivity - Migrant Rights." 1 Dec. 2020, <https://www.migrant-rights.org/2020/12/freetown-to-captivity/>.

<sup>21</sup> "2022 Trafficking in Persons Report: Oman - State Department." <https://www.state.gov/reports/2022-trafficking-in-persons-report/oman/>. Accessed 30 Jan. 2023.

<sup>22</sup> "Marked surge in visit-visa human trafficking to Oman, UAE." 27 Nov. 2022, <https://www.sundaytimes.lk/221127/news/marked-surge-in-visit-visa-human-trafficking-to-oman-uae-503518.html>.

19. Oman is ranked Tier 2 in the US Trafficking in Persons report,<sup>23</sup> meaning it does not comply with the minimum standards, but it is making efforts to comply with those standards. In 2021, Oman made no effort to investigate or prosecute any traffickers of migrant workers of forced labour. A recent report on Sierra Leonean women in Oman, found that 60% of the 469 interviewed experienced wage theft and 91% of them were not allowed to leave the employer's house alone.<sup>24</sup> Despite the reports of abuse from migrants and NGOs about fraud and forced labour,<sup>25</sup> no employers have been convicted of trafficking or forced labour crime in the past four years.<sup>26</sup>
20. Furthermore, migrant and domestic workers' complaints of wage theft, abuse, and deception are handled through mediation and sanctioned administratively instead of being treated as potential human trafficking and forced labour crimes.<sup>27</sup>
21. Oman's focus on sex trafficking and neglect of forced labour is reflected in the numbers of victims identified for the period April 2021 to March 2022 where it specified 13 women as victims of sex trafficking and none for labour trafficking.<sup>28</sup> The 2022 United States Trafficking in Persons report specifically notes that "*the government did not prosecute and convict any perpetrators for forced labour of migrant workers or domestic servitude since 2018*".<sup>29</sup>
22. Confiscation of migrant domestic workers passports and identity documents is widespread, according to stories reported by Migrant-Rights.org about a group of domestic workers stranded in Oman who could not leave because most of their employers confiscated their passports.<sup>30</sup> Furthermore, a survey conducted on Sierra Leonean domestic worker women in Oman found that 84% of the 469 workers interviewed do not have their passports with them.<sup>31</sup> This practice is unabating despite the prohibition under Circular No. 2 of 2006 that does not provide any penalties for non-compliance. Our information of the Circular No. 2 of 2006 is through citations in various reports, and we could not find this circular in government

<sup>23</sup> United States Department of State, 2022, *Trafficking in Persons Report* migrant domestic workers are among the most vulnerable groups in Oman. They face discrimination due to multiple factors such as race, nationality, ethnicity, and social class. Oman is the only country in the Gulf that does not have a separate law for domestic workers, <https://www.state.gov/reports/2022-trafficking-inpersons-report/>

<sup>24</sup> Do Bold, 2022, *MAPPING HER JOURNEY: Documenting Widespread Issues Affecting Sierra Leonean Domestic Workers in Oman Using Primary, Real-Time and Near Real-Time Data* <https://www.dobold.org/wp-content/uploads/2022/09/Mapping-Her-Journey-Compressed.pdf>

<sup>25</sup> Migrant-Rights.org, 2020, *Freetown to captivity Sierra Leonean women trafficked to Oman await rescue*, <https://www.migrant-rights.org/2020/12/freetown-to-captivity/>

<sup>26</sup> "2022 Trafficking in Persons Report: Oman - State Department." <https://www.state.gov/reports/2022-trafficking-in-persons-report/oman/>. Accessed 30 Jan. 2023.

<sup>27</sup> United States Department of State, 2022, *Trafficking in Persons Report*, <https://www.state.gov/reports/2022-trafficking-inpersons-report/>

<sup>28</sup> *ibid*

<sup>29</sup> *ibid*

<sup>30</sup> Migrant-Rights.org, 2020, *Freetown to captivity Sierra Leonean women trafficked to Oman await rescue*, <https://www.migrant-rights.org/2020/12/freetown-to-captivity/>

<sup>31</sup> Do Bold, 2022, *MAPPING HER JOURNEY: Documenting Widespread Issues Affecting Sierra Leonean Domestic Workers in Oman Using Primary, Real-Time and Near Real-Time Data* <https://www.dobold.org/wp-content/uploads/2022/09/Mapping-Her-Journey-Compressed.pdf>

websites. A legal document with such an important prohibition should be accessible to everyone.

## Article 9 (Nationality)

23. A foreign husband of an Omani woman must live in Oman for at least 15 years before applying for Omani citizenship, while a foreign wife of an Omani man must live in Oman for 10 years before applying for Omani citizenship. Both a foreign husband and a foreign wife of an Omani citizen must have a son to be able to apply for Omani citizenship. A foreign husband of an Omani woman must meet stricter conditions than a foreign wife of an Omani man; for example, a foreign husband must be fluent in reading and writing Arabic, while a foreign wife of an Omani citizen is only required to communicate in Arabic.
24. The State party's replies to the list of issues (CEDAW/C/OMN/Q/2-3, para 53) stated that *“The requirement that a certain period must lapse before Omani nationality may be granted to the husband of an Omani woman stems from the philosophy of the Omani Nationality Law, namely that an Omani woman married to a foreigner is expected to live with her husband in his country. Hence, the law permits her to renounce her nationality.”* The above is based on the assumption that a married woman will follow her husband and choose to live in her husband’s country. CEDAW requires States to ensure that their laws do not discriminate against women and that they are treated equally irrespective of their marital status.
25. Omani women do not have the automatic right of transmitting nationality to their children from a foreign husband equal to Omani men. An Omani woman can transfer nationality to her children from a foreign husband if she is widowed, divorced, or her husband abandoned her for at least 10 consecutive years. Further, her marriage to a foreign husband should have been approved by the ministry before it took place, and she should have legal custody of her child supported by a legal document. The law does not put any conditions on Omani men to transmit nationality to their children. While states have the right to regulate their nationality laws, they should do so without violation of their international commitment to non-discrimination against women.

## Recommendations

1. Provide the Committee with the text of Circular No. 2 of 2006 and improve its enforcements, including efforts to raise awareness of the prohibition against passport confiscation, among employers, workers, and officials.
2. Clarify that Article 24 of the Aliens’ Residency Act, which allows non-national workers to change jobs without their employer’s permission, includes domestic workers.
3. Ratify the Domestic Workers Convention 2011 (No. 189) of the International Labour Organization and fully incorporate domestic workers into the labour law. Laws should be drafted with the input and participation of domestic workers, taking into consideration their lived realities.
4. Ratify the 2014 protocol to the Forced Labour Convention, 1930 of the International Labour Organization.



5. Expand Wage Protection Systems to include domestic workers, so that bank transfers are mandatory and proof of non-payment can be more easily traced.
6. Enable migrant workers and domestic workers to more easily change employers without permission. The right to change employers should not be conditional on abuse or proof of abuse.
7. Ratify the Equal Remuneration Convention, 1951 (No.100) on the equal remuneration of work between men and women.
8. Amend the Labour Law so that women have the same employment rights as men.
9. Increase awareness campaigns on the rights and obligations of women migrant workers and their employers.
10. Enforce administrative and criminal penalties against errant employers and recruitment/manpower agencies. In particular: (a) Provide for punitive damages in cases of non-payment of wages; (b) Uphold penalties against employers who confiscate workers' identity documents; and (c) Prosecute cases of forced labour using anti-trafficking legislation where appropriate.
11. Ratify ILO's Violence and Harassment Convention (No. 190).
12. Ensure that immigration detention is only used as a measure of last resort, when it is necessary and proportionate, and suspend the arrest and detention of migrant workers accused of "absconding."
13. Cease de facto deprivation of liberty at the hands of private individuals, including by reforming the kafala system to allow for greater employment mobility, and ensure that complaint mechanisms are robust and easily accessible to workers
14. Ensure that employers cease the confiscation of migrants' passports, in line with 2018 legislation, and that employers who do violate this legislation are held accountable.
15. Ensure that victims of trafficking are protected against detention and deportation by implementing systematic, proactive screening and identification procedures, and providing appropriate shelters for victims.
16. Provide open shelters for victims of trafficking and forced labour, where women have the freedom to enter and leave.
17. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.