



Human Rights Watch Submission to the Committee on the Rights of the Child
Review of the Sultanate of Oman's periodic report for the 88th Pre-Session
November 2020

We write in advance of the 88th pre-session of the Committee on the Rights of the Child and its review of the Sultanate of Oman's compliance with the Convention on the Rights of the Child.

1. Nationality (arts. 7 and 8)

Oman does not allow children of Omani mothers to be granted nationality to their children on an equal basis with children of Omani fathers. Omani men can transmit Omani nationality to their children automatically, regardless of whether they are married to a non-Omani woman, while Omani women can only transmit nationality to their children in very limited circumstances. Article 18 of the Omani Nationality Law allows an Omani woman to transmit nationality to her children from a marriage to a foreign man only upon becoming widowed, divorced, or when her husband has been absent or abandoned them for at least 10 consecutive years.¹ Article 18 of Oman's Nationality Law also provides that the child should also have resided in Oman for at least 10 continuous years, possess sound conduct and character, shall not have been convicted of any crime or offence in breach of trust, unless rehabilitated, and the child's guardian, if any, shall express in writing his non-objection of the child acquiring Omani citizenship. Moreover, their marriage should have obtained approval from the ministry before it took place, and she should have custody of the child.²

The nationality law leaves children of Omani mothers and foreign fathers at risk of statelessness if they do not fulfill all the aforementioned requirements, impacting the child's ability to access education, healthcare, employment, and other basic state services. A report by the Omani Association for Human Rights found that noncitizen children of Omani mothers, including those born and raised in the country, are denied access to government scholarships for higher

¹ Royal Decree No 38/2014 Promulgating the Omani Citizenship Law, available <https://www.refworld.org/pdfid/58dcfe444.pdf> (accessed October 26, 2020).

² Ibid.

education. Even more concerning, upon reaching 18 years of age, they are “forced to leave the country – unless an Omani company sponsors their visa,” often resulting in family separation.³

Oman has yet to withdraw its reservations to article 9(2) and article 16 of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which ensure that women have equal rights with men with respect to the nationality of their children, and equality in marriage, respectively. Oman has also not ratified to the 1954 Convention relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness.

Human Rights Watch recommends that the Committee ask the government of Oman:

- What steps is the Omani government taking to amend Omani Nationality Law No. 38/2014 to stipulate that an Omani citizen is any person born to an Omani father or an Omani mother?
- How many children of Omani women married to foreign men have been granted nationality since the 2014 Omani Nationality Law came into force?
- What steps is the Omani government taking to ensure that noncitizen children of Omani women do not face any discrimination compared to Omani citizen children of Omani fathers including in education, health, employment and other services?
- What steps is the Omani government taking to allow women to make decisions relating to their children, equal to men, including in relation to their children’s schooling, healthcare, opening bank accounts, and issuing passports and IDs?

2. Rights of Children During and After Divorce of Parents (arts. 3 and 9)

In proceedings concerning the rights and welfare of children after divorce, Omani law does not require that the best interests of the child be the primary consideration.

Omani laws discriminate against women with respect to legal guardianship of children. For example, the Personal Status Law recognizes fathers as the legal guardians of their children, even in instances of divorce where a court has ordered that the children should live with the mother.⁴ In cases where a child is living with the mother, the law provides that she cannot travel abroad with her child without the approval of the guardian, but the father does not require such permission from the mother when traveling with their child.⁵ Children living with their mother after divorce can

³ Joint Submission to the Human Rights Council on Oman, Universal Periodic Review, 37th Session, 3rd Cycle, Omani Association for Human Rights et al, July 2020, available https://files.institutesi.org/UPR37_Oman.pdf (accessed October 26, 2020).

⁴ Oman Personal Status Law, (No. 32 of 1997) arts. 158-169

⁵ Oman Personal Status Law, (No. 32 of 1997) art. 134

be removed from their home if their mother re-marries, but fathers continue to hold guardianship regardless of their marital status, or if their children are living with them.⁶

Human Rights Watch recommends that the Committee ask the government of Oman:

- Is the best interests of the child the primary consideration that all Omani state authorities, including courts, will apply when making decisions about children, including parental guardianship and responsibility, and deciding where a child should live?

3. Violence Against Children (art. 19)

Female Genital Mutilation

Female genital mutilation (FGM) continues to take place in Oman. A 2014 study conducted for the Stop FGM in Middle East campaign reported that 78 percent of women interviewed said they had been subject to FGM, with the vast majority of mutilations conducted at home on babies and young girls.⁷ A 2018 report found that 95.5 per cent of the 200 women interviewed in the Dakhiliyah governate reported that they had been subjected to FGM.⁸

Authorities accepted recommendations during its Universal Periodic Review in 2015 to enact legislation to prohibit the practice and to increase awareness of its harmful consequences.⁹ On August 18, 2019, the Ministry of Social Development issued executive regulations to the 2014 Child Law to clarify that the prohibition on “traditional harmful practices” includes female genital mutilation, and the practice has been banned in both public and private hospitals.¹⁰ The law provides that physicians, nurses, guardians, or anyone who carries out, promotes or contributes to traditional practices that are harmful to the health of the child shall be subject to imprisonment

⁶ Human Rights Watch World Report, “Oman, Events of 2017,” January 2018, <https://www.hrw.org/world-report/2018/country-chapters/oman#1de7c4>

⁷ “Female Genital Mutilation in the Sultanate of Oman,” January 2014, <http://www.stopfgmmideast.org/wp-content/uploads/2014/01/habiba-al-hinai-female-genital-mutilation-in-the-sultanate-of-oman1.pdf> (accessed January 24, 2017.) See also “The Deepest Cut,” *Y – the Pulse of Oman*, February 5, 2014, <https://www.y-oman.com/2014/02/deepest-cut/> (accessed January 23, 2017).

⁸ “Almost 100 percent of women mutilated in region of Oman,” Wadi Online, January 9, 2018, available <https://wadi-online.org/2018/09/01/new-study-almost-100-percent-women-mutilated-in-region-of-oman-time-to-act/> (accessed November 16, 2020)

⁹ UN Human Rights Council, Universal Periodic Review, Oman, Second Review, Session 23, Oman’s Responses to recommendations, May 17, 2016; Recommendation 129.84 https://www.upr-info.org/sites/default/files/document/oman/session_23_-_november_2015/recommendations_and_pledges_oman_2016.pdf

¹⁰ “International Day of the Girl Child, 11 October,” Oman Centre for Human Rights, October 9, 2020, <https://ochroman.org/eng/2020/10/girlchild/> (accessed October 26, 2020).

for a period of not less than six months and not more than three years, and that the sentence, in its minimum and maximum limits, shall be doubled in case of relapse.¹¹

Sexual Violence, Rape, and Access to Abortion

Women and girls who report rape can find themselves at risk of prosecution. The authorities may consider the reporting of rape itself as a confession of sexual relations, prompting charges of *zina* (sexual relations outside of marriage) against the rape survivor. Oman's revised 2018 penal code increased penalties for consensual intercourse outside of marriage. Article 259 punishes consensual intercourse outside marriage with between six months to three years' imprisonment (previously three months to one year imprisonment), and at least two years if either person is married (previously one to three years' imprisonment).¹² For a *zina* prosecution to proceed, the spouse or the guardian of the accused must file an official complaint; if there is no spouse or guardian, a prosecutor can still file a case.

Abortion is illegal under articles 315-318 of the Omani Penal Code. It is only allowed where it is absolutely necessary to save the mother's life. Given this context, girls or women who become pregnant as a result of rape may be forced to give birth, obtain an abortion illegally, or perform it themselves, increasing the risk of an unsafe abortion and thereby endangering their health. Girls and women who consent to an abortion, as well as the person performing the abortion, can face between six months to three years in prison.¹³

Oman's penal code does not criminalize sexual harassment or domestic violence. The Organisation for Economic Cooperation and Development (OECD) reported in 2019 that sexual harassment is one of the most common grounds that Omani girls drop out of school.¹⁴

Corporal Punishment

¹¹ "Oman bans unexpectedly female genital mutilation," Stop FGM Middle East, September 30, 2019, <http://www.stopfgmmideast.org/oman-bans-unexpectedly-female-genital-mutilation/> (accessed November 30, 2020)

¹² Oman Penal Code, promulgated by Royal Decree No. 8/2018, art. 259. The criminalization of adult consensual sexual relations violates international human rights law including the rights to privacy, nondiscrimination, physical autonomy, and health.

¹³ Oman Penal Code, arts. 315 and 316.

¹⁴ OECD Social Institutions and Gender Index, Oman 2019, available <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/OM.pdf>

The Child Law of 2014 prohibits “any form of violence against the child.” However, the penal code of 2018 explicitly exempts “the disciplining by parents, and their equivalents, of minor children within the limits of what is prescribed by Sharia or the law.”¹⁵

Oman committed to “explicitly prohibit all corporal punishment of children in all settings” during the UN Human Rights Council Universal Periodic Review in 2015.¹⁶ In 2016, the Committee on the Rights of the Child stated its concern that corporal punishment was not explicitly prohibited and “widely accepted in society as a way to discipline children in the home, in schools and in residential institutions.”¹⁷

Corporal punishment, insults, and harsh treatment of students are prohibited under Oman’s Organisational Statutes of the General Education Schools, and Decree 91/99 provides an exclusive list of permitted disciplinary measures to be used with students, which do not include corporal punishment, according to the Global Initiative to End All Corporal Punishment of Children.¹⁸ According to news reports, in October 2016, the Education Ministry banned corporal punishment in schools in Muscat, reportedly “for the first time,” with penalties of up to 5 years imprisonment and a 5,000 Omani rial fine.¹⁹ However, in November 2016, the education committee of the Shura Council rejected the ban on the basis that under the penal code, “parents can file a complaint against teachers or anyone who inflict scars or physical pain on their children,” according to the head of the committee.²⁰

Oman’s child protection hotline received a total of 442 complaints of violence against children in 2017, and 299 in 2016, according to a Ministry of Social Development official at a meeting about violence in schools in February 2018.²¹

¹⁵ Child Law, Decree 22/ 2014, Article 56(h), Promulgated by Royal Decree 7/2018, art. 44

<https://www.mosd.gov.om/images/rules/Childs%20Law%20en.pdf>; [Penal Law, Promulgated by Royal Decree 7/2018, art. 44\(a\), http://www.mola.gov.om/eng/penallaw.aspx](https://www.mola.gov.om/eng/penallaw.aspx)

¹⁶ Universal Periodic Review – Oman, 5 November 2015, “Matrix of recommendations” (Recommendation 129.142, Estonia), <https://www.ohchr.org/EN/HRBodies/UPR/Pages/OMindex.aspx>.

¹⁷ UN Committee on the Rights of the Child, “Concluding observations on the combined third and fourth periodic reports of Oman, 14 March 2016, para. 35, CRC/C/OMN/CO/3-4, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOMN%2fCO%2f3-4&Lang=en.

¹⁸ “Oman,” Global Initiative to End All Corporal Punishment of Children, updated January 2020, <https://endcorporalpunishment.org/reports-on-every-state-and-territory/oman/>.

¹⁹ Gulf News, “Oman bans corporal punishment in Muscat schools,” October 23, 2016, <https://gulfnews.com/news/gulf/oman/oman-bans-corporal-punishment-in-muscat-schools-1.1917293>

²⁰ Times of Oman, “Oman education: No need to ban disciplinary beatings in schools, says Shura panel,” November 26, 2016, <http://timesofoman.com/article/97297>

²¹ <https://www.omandaily.om/?p=567511>

Human Rights Watch recommends that the Committee ask the government of Oman:

- What government initiatives are there to compile national studies or statistics on violence against girls, including female genital mutilation?
- How many people have been prosecuted for carrying out FGM since the 2019 decision?
- What steps is the government taking to adopt national strategies to prevent and combat violence against girls including FGM?
- What steps is the government taking to decriminalize consensual sexual relations, and ensure that girls have access to all forms of sexual and reproductive healthcare including abortions?
- What steps are being taken to combat sexual harassment and assault against girls including steps to punish sexual harassment?
- What laws explicitly prohibit and set penalties for corporal punishment of children at school?
- What policies have been implemented to promote non-violent positive disciplinary techniques at schools?
- Will the government commit to revise the Penal Code so that all corporal punishment of children is explicitly prohibited?
- For the most recent school year for which data is available, how many complaints were received from students about violence by school staff, and how many complaints resulted in disciplinary actions or criminal prosecutions?

4. Child Labor (art. 32)

Oman reported hosting 233,046 migrant domestic workers in February 2020. Most are from the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Uganda, and Tanzania.²² While Oman prohibits recruitment of migrant domestic workers who are children, there are some reports of recruitment and abuse of girls as domestic workers. Middle East Eye reported on the story of “Fatia,” who traveled to Oman from Ethiopia to work as a maid for an Omani family at age 17.²³ Fatia told Middle East Eye that she experienced physical and verbal abuse from her sponsor families, including being choked by one of her sponsor’s family members. Humanium, an

²² Oman National Centre for Statistics and Information, “Monthly Statistical Bulletin,” March 2020, https://www.ncsi.gov.om/Elibrary/LibraryContentDoc/bar_March%202020_of7a0628-f2e1-42f2-8ed1-ca22b5bc72c3.pdf p.21, (accessed November 18, 2020)

²³ “Abused, starved, and unpaid: a runaway maid in Oman,” Middle East Eye, March 11, 2016, <https://www.middleeasteye.net/news/abused-starved-and-unpaid-runaway-maid-oman> (accessed November 17, 2020)

international NGO, reported that girls from south and southeast Asia have been sold into servitude and forced into prostitution in Oman.²⁴

Research by the US Bureau of International Labor affairs suggests that child labor continues in sectors such as agriculture and fishing, despite the Omani government's efforts to eliminate the employment of children.²⁵

Human Rights Watch recommends that the Committee ask the government of Oman:

- How many migrant workers in Oman are children?
- What monitoring systems are in place to identify children most vulnerable to child labor?
- What mechanisms does the government use to ensure that migrant workers recruited to work in Oman are not abused or exploited by their sponsors?
- What legal redress do migrant workers, especially those recruited as children, have when in an abusive situation?

5. Child Marriage (arts. 19 and 34)

The legal age of marriage in Oman is 18, established by article 7 of the Personal Status Law. However, article 10 of the Personal Status Law allows judges to authorize the marriage of girls below 18 if the marriage is considered to be in her "best interest." Though data regarding the prevalence of child marriage is scarce, the CEDAW Committee noted in 2017 that these judicial authorizations are especially prevalent in rural areas.²⁶

Girls who enter marriages at a young age face greater risks in pregnancy, including difficulties during childbirth that can result in death. Child marriage also often ends a girl's education and can expose her to domestic violence. A 2013 study published in the Sultan Qaboos University Medical Journal, utilizing data from the 2000 Oman National Health Survey, found that "75% of married women respondents aged 20-44 years were married by age 20, with their median age at

²⁴ "Realizing Children's Rights in Oman," Humanium, <https://www.humanium.org/en/middle-east-north-africa/oman/> (accessed November 17, 2020)

²⁵ "2019 Findings on the Worst Forms of Child Labor," US Bureau of International Labor Affairs, <https://www.justice.gov/eoir/page/file/1327796/download>

²⁶ Concluding observations on the combined second and third periodic reports of Oman, November 22, 2017, CEDAW/C/OMN/CO/2-3, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?Lang=En&symbolno=CEDAW%2FC%2FOMN%2FCO%2F2-3

their first wedding being 16 years.”²⁷ A majority of respondents had little to no education; 43 percent of respondents had never attended school, and another 38 percent had only completed some or all of primary school.

Human Rights Watch recommends that the Committee ask the government of Oman:

- What mechanisms are in place to ensure accurate registration of births, deaths, marriages, and divorces?
- What steps is the government taking to reform laws that discriminate against girls by allowing child marriage for girls with judicial approval?
- How is the government working to change the cultural acceptance of child marriage and promote education for girls and women?
- What manner of access do girls currently in marriages have to legal redress and child protection services?
- What monitoring systems are in place to identify girls most vulnerable to child marriage?

6. Access to Education during the Covid-19 Pandemic (art. 10)

All public and private schools in Oman halted in-person learning beginning March 15, 2020 due the Covid-19 pandemic, and closures remained in effect until November 1, affecting the education of more than 600,000 students who attend government schools.²⁸ Students and their parents who wished to continue distance learning after November 1 were given the opportunity to do so, with guidelines set forth by the Ministry of Education.²⁹

The Ministry of Education made efforts to transition to lessons online and provide students and teachers with electronic devices. The Director of the Information Technology Department at the Ministry of Education, Dr. Nasser Al Abri, as quoted by the Times of Oman, said that computers were available at “almost all of the Sultanate’s schools,” and that schools were given the option to redistribute those devices to students directly.³⁰ Teachers were permitted to use the devices that are at school facilities.³¹

²⁷ Islam, M Mazharul et al. “The pattern of female nuptiality in Oman.” *Sultan Qaboos University Medical Journal*/vol. 13,1 (2013): 32-42. DOI:10.12816/0003193,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3616798/>

²⁸ “Students’ safety top priority, says official,” Times of Oman, Monday, September 28, 2020, <https://timesofoman.com/article/students-safety-top-priority-says-official> (accessed November 18, 2020)

²⁹ Ibid.

³⁰ “School academic year in Oman begins on Sunday,” Times of Oman, October 31, 2020, <https://timesofoman.com/article/school-academic-year-in-oman-begins-on-sunday> (accessed November 18, 2020)

³¹ Ibid.

Dr. Al Abri also said that the Ministry distributed devices and “internet packages” through local suppliers at “affordable rates,” though it is unclear whether the Ministry or students’ families bore the cost burden in this situation.³²

Students between grades 5 and 10 are reportedly receiving two classes a month on information technology.³³ Public and private schools are reportedly using e-learning platforms such as Google classrooms, Schoology, Seesaw, Blackboard, and Moodle.³⁴ Little information is available regarding whether the Ministry of Education has ensured that these platforms are protecting children’s digital privacy and data.

On November 8, the Oman News Agency reported that the Ministry of Education signed a cooperation agreement with Petroleum Development Oman (PDO), a production company, to finance the purchase of 2,931 computers for students in grades 7 through 12 to assist with their online learning.³⁵ However, the Director General of the Directorate of Education in Muscat, as quoted by the Times of Oman, stated that students in grades 11 and 12 could access online learning platforms through their mobile phones, and that they do not require laptops.³⁶ As such, it is unclear which grades’ technological needs are being prioritized by the Ministry of Education, and whether students in grades 11 and 12 are indeed receiving computers for e-learning. Moreover, the comment presupposes that students have mobile devices.

Little information is available regarding the Ministry of Education or other institutions’ efforts to provide emotional and mental health support to children and their families during this time.

The Omani government should focus on mitigating the disproportionate effects on children and youth who already experience barriers accessing education, or who are at higher risk of being excluded for a variety of reasons.³⁷ These include children with disabilities, children in rural

³² Ibid.

³³ Ibid.

³⁴ Mohamed ElTahir Osman (2020): Global impact of COVID-19 on education systems: the emergency remote teaching at Sultan Qaboos University, Journal of Education for Teaching, DOI: 10.1080/02607476.2020.1802583

³⁵ Oman News Agency, Twitter, November 8, 2020, <https://twitter.com/OmanNewsAgency/status/1325367518299627520?s=20> (accessed November 18, 2020)

³⁶ “School academic year in Oman begins on Sunday,” Times of Oman, October 31, 2020, <https://timesofoman.com/article/school-academic-year-in-oman-begins-on-sunday> (accessed November 18, 2020)

³⁷ Elin Martínez, “Pandemic Shakes Up World’s Education Systems,” Right to Education Initiative, March 19, 2020, <https://www.right-to-education.org/blog/pandemic-shakes-world-s-education-systems> (accessed November 19, 2020)

and low-income areas, and stateless children. Stateless children have difficulties accessing government services and higher education in Oman due to their status.³⁸ Children with disabilities already face “structural” inequities, especially in education, and services for them are limited to major cities, as noted by UNICEF in 2017.³⁹

Human Rights Watch recommends that the Committee ask the government of Oman:

- How is the government performing due diligence to ensure that any technology it recommends for online learning protects children’s privacy rights? Did the government include data privacy clauses in any contracts it signed with technology or “Ed Tech” providers, in order to protect the data collected on children during this time from misuse?
- What laws protect children’s education data and other private information collected online in connection with online learning?
- How has the government sought to reach vulnerable student populations, such as stateless children, children with disabilities, and rural and low-income children, to ensure they are receiving a quality education on par with other students?

7. Protection of Education from Attack (art. 10)

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;⁴⁰ the importance of the continuation of education during armed conflict, and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.⁴¹ As of November 2020, 106 countries have endorsed the Safe Schools Declaration. Oman has yet to do so.

Human Rights Watch recommends that the Committee call upon the government to:

- Endorse the Safe Schools Declaration and take concrete measures to deter the military use of schools, including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks.

³⁸ Joint Submission to the Human Rights Council on Oman, Universal Periodic Review, 37th Session, 3rd Cycle, Omani Association for Human Rights et al, July 2020, available

https://files.institutesi.org/UPR37_Oman.pdf (accessed October 26, 2020).

³⁹ UNICEF Annual Report 2017, Oman, https://www.unicef.org/about/annualreport/files/Oman_2017_COAR.pdf

⁴⁰ Safe Schools Declaration, May 28, 2015,

https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed November 24, 2020)

⁴¹ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed November 24, 2020)

Human Rights Watch recommends that the Committee ask the government of Oman:

- What Omani laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?