



**WORLD Policy
Analysis Center**

OMAN: A BRIEF ON THE IMPLEMENTATION OF CEDAW COMMITMENTS FROM ARTICLES 2, 5, 11, 16

*Information for the Committee on the Elimination of Discrimination Against Women
86thth Pre-Session Working Group, February/March 2023*

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 86th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following areas:

1. Non-discrimination in Work and Employment (Article 11)
2. Paid Maternity and Paternity Leave (Articles 11, 5)
3. Child Marriage (Articles 16, 2)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask Oman and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Oman address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Oman for having provisions in place, we hope the Committee will recommend that Oman work with stakeholders to overcome any obstacles in implementing these provisions.



SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Non-Discrimination in Work and Employment (Article 11)

While we recognize there may be other policies governing discrimination at work, our systematic review of national legislation only identified very broad provisions that protect women against workplace discrimination in Oman. Further, Oman’s laws contain no protections against discrimination on the basis of family status, marital status, or pregnancy.

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Oman: Can Oman demonstrate whether its **broad prohibitions of discrimination** in employment on the basis of sex have been interpreted, through case law or otherwise, to specifically protect against discrimination in hiring, pay, training, promotions and demotions, and terminations?
 - If Oman cannot, recommend Oman outline any concrete, near-term plans to pass legislation that explicitly prohibits **sex-based discrimination** in hiring, pay, training, promotions and demotions, and terminations.
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Oman pass and implement legislation that explicitly prohibits sex-based discrimination in all specific dimensions of work.
- In its list of issues, ask Oman: Can Oman demonstrate whether prohibitions exist against workplace **indirect discrimination** on the basis of sex?
 - If sufficient protections do not exist in this area, recommend in its concluding observations that Oman pass and implement legislation that explicitly prohibits workplace indirect discrimination against women.
- In its list of issues, ask Oman: Can Oman demonstrate whether prohibitions exist against **retaliation** by employers for bringing forward sex discrimination complaints?
 - If sufficient protections do not exist in this area, recommend in its concluding observations that Oman amend its labor legislation to introduce effective enforcement mechanisms, such as protection from retaliation.
- In its list of issues, ask Oman: Can Oman clarify if the country has legislation in force that specifically protects against workplace discrimination on the basis of **marital status, family status, or pregnancy**?
 - If no such legislation exists, recommend that Oman pass legislation or amend existing legislation to prohibit workplace discrimination on the basis of marital status, family status, and pregnancy.



2. Paid Maternity and Paternity Leave (Articles 11, 5)

Our systematic review of national legislation found that Oman provides 50 days of paid maternity leave to new mothers. We did not identify any legislative provisions that provide any paternity leave to new fathers in Oman, although Oman indicates in paragraph 99 of the State Party Report that the General Federation of Oman Trade Unions has submitted draft legislation on paternity leave.

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Oman: Can Oman outline any concrete, near-term plans to pass legislation that increases maternity leave duration to at least 14 weeks, consistent with widely accepted standards set and endorsed by global institutions such as the ILO and UNICEF?
 - If Oman does not have concrete, near-term plans to increase maternity leave duration to at least 14 weeks, recommend that Oman pass and implement legislation that does so.
 - Also recommend that this legislation be implemented to be inclusive of all female workers, including workers who often lack social protection such as part-time or self-employed women, as well as women working within the informal economy.
- In its list of issues, ask Oman: Can Oman provide an update to the Committee on any concrete, near-term plans to pass the draft legislation on paternity leave described in paragraph 99 of the State Party Report?
 - If Oman does not have any concrete, near-term plans to pass this legislation, recommend in its concluding observations that Oman pass and implement legislation in the near term that provides paternity leave to new fathers.

3. Child Marriage (Articles 16, 2)

Our systematic review of national legislation found that Omani law generally prohibits marriage before the age of 18 unless parties under 18 have parental and court permission; if those requirements are satisfied, there is no specific minimum age of marriage.



RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Oman: does Oman have any concrete, near-term plans to pass legislation that prohibits marriage before the age of 18, with no exceptions?
 - If Oman does not have concrete, near-term plans, recommend in its concluding observations that Oman pass legislation that establishes 18 years as the minimum age for marriage without any exceptions.
- In its list of issues, ask Oman: given the dearth of reliable statistics to evaluate the prevalence of child marriage, can Oman provide statistics on underage marriages in the country, disaggregated by sex and age?
 - If updated statistics are not available, recommend in its concluding observations that Oman begin collecting and reporting statistics on age of marriage, disaggregated by sex.

DETAIL OF LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

1. [Non-Discrimination in Work and Employment \(Article 11\)](#)

Article 11 of the Convention outlines specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment.

We systematically reviewed national labor codes, gender equality, and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited gender discrimination in employment. We examined legal protections across five areas covered by CEDAW:

- employment opportunities or hiring
- equal pay for work of equal value
- training
- promotions or demotions
- job security or terminations

We assessed whether women were explicitly protected from discrimination at work in each of these areas and whether the definition of discrimination included both direct and indirect discrimination.



We also examined whether there were explicit protections from discrimination in terminations on the grounds of pregnancy and marital status, in line with Article 11.2.a) of the Convention, which prohibits “dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status”. We further examined whether explicit protections from terminations on the basis of family status were in place, because of the intersection of family status with both marital status and pregnancy.

Finally, although the Convention focuses only on protecting from dismissal on these grounds, we nevertheless further examined whether discrimination on the grounds of pregnancy, marital status, or family status was prohibited in other stages of employment because of the centrality of these protections from preventing sex discrimination at work, which the convention protects against more broadly.

OMAN’S LEGISLATIVE PROVISIONS: Insufficient protections from workplace discrimination on the basis of sex

While we recognize there may be other policies governing discrimination at work, our systematic review of national legislation found that Oman’s Labour Law protects against discrimination on the basis of sex only in very broad terms.

Labour Law 2003, amended to 2011 [Official English translation]

Article (80): Without prejudice to the provisions set out in this Chapter, all provisions regulating the employment of workers shall be applicable to women workers without discrimination between them in the same work.

The Labour Law does not protect women in any of the specific five areas described above, nor does it protect from discrimination on the basis of marital status, family status, or pregnancy. It also contains no protections against indirect discrimination, and no mechanism to protect workers from retaliation if they bring forward workplace discrimination complaints (see summary in Table 1).

Table 1: Does Oman have legislative provisions in place explicitly guaranteeing non-discrimination for women in the following key areas of employment?	
Employment opportunities and hiring	No specific provisions found
Equal pay for work of equal value	No specific provisions found
Training	No specific provisions found
Promotions and/or demotions	No specific provisions found
Terminations	No specific provisions found
Discrimination on the basis of marital status, family status, and pregnancy	No provisions found



Table 1: Does Oman have legislative provisions in place explicitly guaranteeing non-discrimination for women in the following key areas of employment?	
Indirect discrimination	No provisions found
Retaliatory action	No provisions found

2. Paid Maternity and Paternity Leave (Articles 11, 5)

Article 11.2 of the Convention states that:

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Further, Article 5(b) of the Convention emphasizes the importance of including men in the upbringing of children:

To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Research evidence indicates that paid paternity leave can increase gender equality in caregiving responsibilities and gender equality in employment; it is therefore important to ensure fathers have access to adequate paid paternity leave.

We systematically reviewed national labor codes and social security laws to assess the availability of paid maternity and paternity leave. We relied primarily on legislation downloaded through the International Labour Organization’s NATLEX database. Additionally, for confirmation or clarification on legal provisions, we consulted trusted secondary sources including the Social Security Programs throughout the World (SSPTW) database, and the International Review of Leave Policies.



OMAN'S LEGISLATIVE PROVISIONS: Insufficient maternity leave and no paid leave for fathers

Based on our systematic review of national legislation and country reports, Oman provides 50 days of paid maternity leave to mothers, according to the Maternity Benefits Ordinance, as amended by the Maternity Benefits (Amendment) Act of 2018.

Labour Law 2003, amended to 2011 [Official English translation]

Article (83): A female employee shall have the right to a special fifty-day maternity leave covering the periods before and after delivery with full salary for not more than three times during her service with the employer.

We found no provisions that provide paid paternity leave to fathers in Oman, although Oman mentions in paragraph 99 of the State Party Report that the General Federation of Oman Trade Unions has submitted draft legislation on paternity leave. The current status of this draft legislation is not specified in the State Party Report; thus, this remains an active issue.

3. Child Marriage (Articles 16, 2)

Child marriage disproportionately affects girls, often leading to social, economic, educational, and health inequalities, which States Parties have committed to eliminating. Article 16.2 of the Convention calls on States Parties to legislate a minimum age of marriage and prohibit the marriage of children. Additionally, disparities in the legal minimum age of marriage between girls and boys contravenes Article 2(a) of the Convention, which commits States Parties to “embody the principle of the equality of men and women” in their “national constitutions or other appropriate legislation”.

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labour Organization’s NATLEX database, regional sources, and official country websites.

OMAN'S LEGISLATIVE PROVISIONS: Personal Status Law allows marriage at any age with parental and court permission

Based on our systematic review, Oman’s Personal Status Law prohibits marriage under the age of 18 in section 7, although both boys and girls can get married at younger ages if they have parental permission and authorization from a religious court. When all exceptions are accounted for, there is no minimum age of marriage in Oman.

Personal Status Law, 1997

مادة (٧): (تكمّل أهلية الزواج بالعقل، وإتمام الثامنة عشرة من العمر



مادة 9: (لا يأذن القاضي بزواج المحجور عليه لسفهه إلى بموافقة وليه وبعد التأكد من ملائمة الصداق لحالته المادية فأذا امتنع الولي طلب القاضي موافقته خلال مدة يحددها له، فإن لم يعترض أو كان إعتراضه غير جدير بالاعتبار زوجة القاضي

مادة 10: (1- إذا طلب من أكمل الثامنة عشرة من عمره الزواج وامتنع وليه من تزويجه جاز له رفع الأمر إلى القاضي

ب- يحدد القاضي مدة لحضور الولي يبين خلالها أقواله فان لم يحضر أصلاً أو كان اعتراضه غير سائغ زوجة القاضي

ج- مع مراعاة أحكام الفقرة ب) (من هذه المادة لا يزوج من لم يكمل الثامنة عشرة من عمره إلى بأذن القاضي ويعد التحق من المصلحة

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