



# **DATA UPDATE – Women, Business and the Law 2022**

**Oman**

**National Competitiveness Office**

## *Women, Business and the Law – Oman*

### **1. Mobility**

#### **Comment received from Government:**

##### *1. Can a woman choose where to live in the same way as a man?*

The Sultanate joined the Convention on the Elimination of All Forms of Discrimination Against Women in 2005. Royal Decree No. 3/2019 ratifies amendment to the “Convention on the Elimination of All Forms of Discrimination Against Women” and withdraws some of the Sultanate’s reservations to the agreement. The Freedom of residence and movement is guaranteed under the Basic Law of the State (Constitution). There are no restrictions on a woman’s ability to move. A woman has the right to choose her residence and to move within the limits of the law under the Basic Law of the State. It is important to note that the law mentioned previously, (Article 54) of the Personal Status Law doesn't mean leaving home literally. It only means unofficially breaking off the marital relationship without a divorce nor a valid reason; also, the article specified the terminology (Marital Home/matrimonial domicile) is used as a metaphor for marital relationship.

Suggested data modification: Change from No to Yes

Date of entry into force: 07/01/2019

Legal basis: Royal Decree No. 3/2019, Articles (1-4)

<http://mola.gov.om/eng/legislation/decrees/details.aspx?Id=533&type=L>

<https://www.refworld.org/docid/582d7f2e4.html>

#### **Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if there are no restrictions on a woman traveling alone domestically. The answer is “No” if a woman must justify her reasons to her husband, father, or guardian for leaving home, or if leaving the home without a valid reason is considered disobedience with consequences, for example, loss of her right to financial maintenance.

Article 57 of the Personal Status reads, "The wife lives with her husband in the home he prepared and move out of it when he moves out, unless otherwise stipulated in the contract, or if the move intends to harm her."

On January 7, 2019, Oman adopted Royal Decree No. 3 of 2019 to withdraw the Sultanate's reservation to section 4 of article 15 of CEDAW which states that “States Parties shall accord to men and women the same rights with respect to the law relating to the movement of persons, and the freedom to choose their place of residence.” However, the Decree has not amended the Personal Status Law, despite stating in Article 3 that “All the relevant bodies shall take measures to implement what was stated in the Decree.”

Since the wife is required to live with her husband and move with him as he moves, the answer to this question is “No.”

#### **Comment received from Government:**

2. *Can a woman travel outside her home in the same way as a man?*

As mentioned in the previous correction, a woman can freely travel outside her home the same way men can.

Suggested data modification: The answer should change from No to Yes

Date of entry into force: 07/01/2019

Legal basis: Royal Decree No. 3/2019, Articles (1-4)

<http://mola.gov.om/eng/legislation/decrees/details.aspx?Id=533&type=L>

<https://www.refworld.org/docid/582d7f2e4.html>

**Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if there are no restrictions on a woman traveling alone domestically. The answer is “No” if a woman must justify her reasons to her husband, father, or guardian for leaving home, or if leaving the home without a valid reason is considered disobedience with consequences, for example, loss of her right to financial maintenance.

Article 54(2) of the Personal Status Law mandates that maintenance is withheld if the wife leaves the marital home without a legal excuse. Article 54 reads: "The wife receives no alimony in the following cases: 1- If she forbids herself from the husband or refuses to move to the marital home without a legitimate excuse; 2- If she leaves the marital home without a legitimate excuse; 3- If she prevents the husband from entering the marital home without a legitimate excuse; 4- If she refuses to travel with her husband without an excuse."

On January 7, 2019, Oman adopted Royal Decree No. 3 of 2019 to withdraw the Sultanate's reservation to section 4 of article 15 of CEDAW which states that “States Parties shall accord to men and women the same rights with respect to the law relating to the movement of persons, and the freedom to choose their place of residence.” However, the Decree has not amended the Personal Status Law, despite stating in Article 3 that “All the relevant bodies shall take measures to implement what was stated in the Decree.”

Since the wife is deprived of her right to alimony if she leaves her marital home without a legitimate excuse, the answer to this question is “No.”

**Comment received from Government:**

3. *Can a woman apply for a passport in the same way as a man?*

Although women were allowed to apply for a passport without the need of asking for consent from her husband or guardian beforehand in practice, the old law stated otherwise. However, in 2011 a Royal Decree was announced which amended the old one, and it no longer states that consent is required, therefore, women are entitled to obtain a passport the same way men can, with no restrictions.

Suggested data modification: The answer should change from No to Yes

Date of entry into force: 26/01/2010

Legal basis: Royal Decree No. 11/2010.

<http://www.mola.gov.om/legislation/decrees/details.aspx?Id=1127&type=L>

**Response from Women, Business and the Law team:**

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if there are no differences in passport application procedures. The answer is "No" if an adult woman needs the permission or signature of her husband, father, or other relative or guardian to apply for a passport; or if the passport application procedures require a woman to provide details about her husband, father, or any other relative or guardian. The answer is also "No" if additional documents are required from a woman, such as a marriage certificate, while the same is not required for a man.

Article 12 of Law No. 69/97 required married women to obtain their husbands' consent before applying for a passport. Article 12 provided, "A wife may not obtain a passport unless she obtains the written approval of her husband . . ." In addition, the passport application procedures were different for men and women. Married women had to be accompanied by her husband and show a marriage certificate, and unmarried women had to be accompanied by a guardian when applying for a passport.

On January 26, 2010, Oman enacted Decree No. 11/2010. Article 1 of Decree No. 11/2010 provides "Article 12 of Law No. 69/97 shall be replaced with the following provision 'Minors and those placed in guardianship may not obtain ordinary passports unless after receiving a written approval from their guardian, according to the rules established under the regulation.'" However, the procedures to obtain a passport for men and women were still different as documented in [provide basis for this], women still had to be accompanied by their husbands or guardians.

As of data collection closure for the WBL 2022 cycle, October 1, 2021, the passport application procedures published on The Official Oman eGovernment Services Portal and the website of the Royal Oman Police no longer require a married women to be accompanied by her husband and show a marriage certificate and an unmarried woman to be accompanied by a guardian when applying for a passport.

The updated analysis will be reflected in the upcoming *Women, Business and the Law* report.

**Comment received from Government:**

4. *Can a woman travel outside the country in the same way as a man?*

As mentioned above, with the announcement of the Royal Decree 11/2010, obtaining a passport is equal for both men and women; also, the procedures for travel and movement of a woman are no different from those for a man. There are also no laws that forbids women from travelling the same way men can. It is important to note that the law mentioned previously, (Article 54) of the Personal Status Law doesn't mean leaving home literally. It only means unofficially breaking off the marital relationship without a divorce nor a valid reason; also, the article specified the terminology (Marital Home/matrimonial domicile) is used as a metaphor for marital relationship.

Suggested data modification: The answer should change from No to Yes

Date of entry into force: 26/01/2010

Legal basis: Royal Decree No. 11/2010

<http://www.mola.gov.om/legislation/decrees/details.aspx?Id=1127&type=L>

**Response from Women, Business and the Law team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if there are no restrictions on a woman traveling alone internationally. The answer is “No” if permission, additional documentation, or the presence of her husband or a guardian is required for a woman to leave the country. The answer is also “No” if the law requires a married woman to accompany her husband out of the country if he so wishes.

Article 54(4) of the Personal Status Law mandates that alimony is withheld if the wife abstains from traveling with her husband without an excuse. Article 54 reads, "The wife receives no alimony in the following cases: 1- If she forbids herself from the husband or refuses to move to the marital home without a legitimate excuse; 2- If she leaves the marital home without a legitimate excuse; 3- If she prevents the husband from entering the marital home without a legitimate excuse; 4- If she refuses to travel with her husband without an excuse."

On January 7, 2019, Oman adopted Royal Decree No. 3 of 2019 to withdraw the Sultanate's reservation to section 4 of article 15 of CEDAW which states that “States Parties shall accord to men and women the same rights with respect to the law relating to the movement of persons, and the freedom to choose their place of residence.” However, the Decree has not amended the Personal Status Law, despite stating in Article 3 that “All the relevant bodies shall take measures to implement what was stated in the Decree.”

Since the wife is deprived of her right to alimony if she abstains from travelling with her husband without an excuse, the answer to this question is “No.”

## **2. Workplace**

### **Comment received from Government:**

#### *1. Are there criminal penalties for sexual harassment in employment?*

Women are protected from sexual harassment and assault in general, no one can commit this offense and get away with it, in fact, it is considered a crime. Any male who commits this offense is punished by imprisonment of at least a month, and is fined. This is also included in workplaces.

Suggested data modification: The answer should change from No to Yes

Legal basis: The Penal Law, Article (266)

<http://www.mola.gov.om/eng/penallaw.aspx>

### **Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology, the answer is “Yes” if there is a law or provision that specifically protects against sexual harassment in employment, including unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment, including provisions on inducing indecent or lewd behavior coupled with financial or official dependence or authority, abuse of position or authority, or language that can be clearly interpreted to mean such dependence or abuse; sexual harassment is considered a form of discrimination in employment and the law protects against discrimination.

The answer is “No” if there is no legislation specifically addressing sexual harassment in employment, or if the law addresses harassment in general but makes no reference to acts of a sexual nature or contact, nor to employment or abuse of position or authority.

In the case of Oman, Article 266 of the Penal Code establishes penalties for “whoever harasses a female, by word or conduct, in a manner that offends her modesty”. While this provision can be interpreted as addressing sexual harassment, it does not include any reference to the context of employment, nor to the abuse of position or authority, which is key to meet the methodology requirements. Therefore, the answer to this question is “No”.

### **3. Pay**

#### **Comment received from Government:**

##### *1. Does the law mandate equal remuneration for work of equal value?*

The Sultanate has joined CEDAW in 2005, and a report from the organization can be found mentioning this specific situation: “123. Women enjoy the same employment opportunities and are subject to the same hiring procedures as men. Job vacancies are announced by competent agencies in the Government or private sector, and citizens of both sexes may apply. Women are free to select their profession and work as they wish and are offered the same promotion and job security opportunities as men, as well as all employment benefits and terms. They are entitled to receive training, vocational retraining, advanced vocational training and recurrent training. The laws and regulations do not discriminate between, and provide for the equal treatment of, men and women in respect of wages and benefits.” Article (11) Labour Law - The employer must equate all workers in the event of an agreement of the nature and conditions of the work. ARTICLE (80) LABOUR LAW - Without prejudice to the provisions of this chapter, all provisions governing the employment of workers shall apply to women workers without discrimination in the same work.

Suggested data modification: The answer should change from No to Yes

Legal basis: Royal Decree 42/2005

<https://www.refworld.org/docid/582d7f2e4.html>

The Labour Law, Article (11)

<https://www.manpower.gov.om/Laborlaw?AspxAutoDetectCookieSupport=1>

The Labour Law, Article 80

<https://www.manpower.gov.om/Laborlaw?AspxAutoDetectCookieSupport=1>

#### **Response from Women, Business and the Law team:**

According to *Women, Business and the Law* methodology, the answer is “Yes” if employers are legally obliged to pay equal remuneration to male and female employees who perform work of equal value. “Remuneration” refers to the ordinary, basic, or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from the worker’s employment. “Work of equal value” refers not only to the same or similar jobs but also to different jobs of the same value. The answer is “No” if the law limits the principle of equal remuneration to equal work, the same work, similar work, or work of a similar nature. The answer is also “No” if the law limits the broad concept of “remuneration” to only basic wages or salary, or if the law limits the principle of equal remuneration for work of equal value to the same place of business or same employer.

Royal Decree 42/2005 is the Sultanate of Oman's accession to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the *Women, Business and the Law* methodology does not consider the text of international conventions, as it only examines domestic laws. Article 11 of the Labour Law of Oman only requires employers to ensure the equality of all workers when the nature and conditions of their work are similar. However, it does not explicitly mandate that equal remuneration for men and women who perform work of equal value. Further, article 80 just mandates that all provisions regulating the employment of workers shall be applicable to women workers without discrimination between them in the same work, without explicitly mandating equal remuneration for work of equal value. Therefore, the answer to this question is "No."

**Comment received from Government:**

2. *Can women work the same night hours as men?*

Previously, the labour law stated that women could not work at night, however, in 2011 a Royal Decree was announced which modified this certain article. The article states that women may be employed at night to work in certain conditions and working environments. It is important to note that this article specifically was made based on the international Labour Law standards See attached document.

Suggested data modification: The answer should change from No to Yes

Date of entry into force: 31/12/2011

Legal basis: Royal Decree No. 656/2011

**Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology the answer is "Yes" if nonpregnant and non-nursing women can work the same night hours as men. The answer is also "Yes" in the following cases: when restrictions on women's ability to work at night do not apply to the food retail sector, women's consent to work at night is required, or an employer needs to comply with safety measures (such as providing transportation). The answer is "No" if the law broadly prohibits women, including those with children over the age of 1, from working at night or limits the hours women can work at night.

While article 1 of Royal Decree No. 656/2011 allows women to work from 9:00 p.m. to 6:00 a.m. in certain jobs, it maintains restrictions on nonpregnant and non-nursing women working in shops, which cover the food retail sector. Men face no restrictions on working in shops at night, but women can only work at night in shops until 10:00 p.m. and during the month of Ramadan and the three days that precede the *Adha* and *Fitr* feasts. Further, article 81 of the Labour Law of Oman gives the Minister of Labour the power to determine the jobs women cannot perform at night. Therefore, the answer to this question is "No."

**4. Marriage**

**Comment received from Government:**

1. *Can a woman be head of household in the same way as a man?*

Article (17) from the Basic Statute of the state, under Royal Decree No. 101/96, states, "All Citizens are equal before the Law and share the same public rights and duties. There shall be no discrimination amongst them on the ground of gender, origin, colour, language, religion, sect, domicile, or social status." Furthermore, the basic statute of the state of Oman states that all citizens are equal before the law and share the same right and duties, and there should be no discrimination in terms of gender. There are no Laws that



prohibits the woman to be head of household the same way a man can be. It is also important to note that:  
\* The language of the law in the Sultanate addresses both sexes in the same way. Under article 3 of the Law of Interpretations and General Provisions of 1973, “Words indicating the masculine gender shall include the feminine gender, and the masculine third and second person pronoun shall include the feminine.” Accordingly, all Omani legislation, while formulated in the masculine gender, covers both the masculine and feminine genders.

Suggested data modification: The answer should change from No to Yes  
Legal basis: Royal Decree No. 101/96, Basic Statute of the state, Article (17)  
<http://www.mola.gov.om/eng/basicstatute.aspx>

**Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if there are no restrictions on a woman becoming head of household or head of family. The answer is “No” if there are explicit restrictions, such as a provision designating the husband as head of household or stipulating that the husband leads the family; or if a male is designated as the default family member who receives the family book or equivalent document that is needed for access to services.

Article 38 of the Personal Status Law mandates that the wife shall take care of her husband since he is the head of the household. Article 38 reads, “The husband’s rights over his wife: 1- Taking care of him as he is the head of the family; 2- Supervising the house, organizing its affairs, and preserving its assets; 3- Taking care of his children from her, and breastfeeding them, unless there is an objection.”

Since the husband is acknowledged to be the head of the family in the Personal Status Law, the answer to this question is “No.”

**Comment received from Government:**

2. *Is there legislation specifically addressing domestic violence?*

The Personal Status Law, article 37, affirms a wife’s rights, her own property may not be encroached upon, and she is free to dispose of and enjoy it. She may retain her surname. She may not be harmed physically or psychologically.

Suggested data modification: The answer should change from No to Yes  
Legal basis: The Personal Status Law, Article (37)  
<https://www.refworld.org/docid/582d7f2e4.html>

**Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology, the answer is “Yes” if two prongs are met: 1) there is specific legislation on domestic violence (legislation addressing violence occurring between spouses, within the family or members of the same household, or in interpersonal relationships, including intimate partner violence), 2) that includes criminal penalties or provides for orders of protection for domestic violence.

In the case of Oman, while Article 37 of The Personal Status Law establishes that a wife “may not be harmed physically or psychologically,” the law fails to establish criminal penalties or protection orders as a consequence of the commission of such acts. Therefore, the answer to this question is “No”.



**Comment received from Government:**

3. *Can a woman obtain a judgment of divorce in the same way as a man?*

The Sultanate has striven to eliminate discrimination against women in all matters relating to marriage and family relations. Hence putting in place laws that will protect women in these terms. The Personal Status Law issued by Royal Decree No. 32/97 guarantees non-discrimination in a marriage contract. A woman has the same capacity as a man to conclude a marriage contract.

Suggested data modification: The answer should change from No to Yes

Legal basis: CEDAW, Article 16 based on: The Personal Status Law issued by Royal Decree No. 32/97 <https://www.refworld.org/docid/582d7f2e4.html>

**Response from Women, Business and the Law team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the process for obtaining a judgment of divorce is equal for women and men, but provides additional protections for women, such as prohibiting a husband from initiating divorce proceedings while his wife is pregnant. The answer is “No” if women can only initiate divorce proceedings under certain circumstances, which are not specified for men; women must relinquish certain financial rights to obtain a divorce, and men do not have to; women must see a judge to initiate divorce proceedings, and men do not have to; women must prove fault, and men do not have to; only men can initiate divorce proceedings; there are different evidentiary rules or procedures for women and men; or divorce is legally prohibited.

According to Article 82 of the Personal Status Law, the husband may initiate the divorce proceedings at his own discretion. Article 82 reads: “Divorce can be conducted by the husband, his agent, or the wife, if the husband delegates her this right.” Articles 94 to 97 of the Personal Status Law provide that women must resort to the competent court to request a divorce if they can prove to have suffered harm, or request Khul'a after waiving some or all of their financial rights, as provided in articles 98 to 118 of the Personal Status Law. Therefore, the answer to this question is “No.”

**5. Parenthood**

**Comment received from Government:**

1. *Is dismissal of pregnant workers prohibited?*

There is a labour Law that states that women cannot be dismissed from work if she is absent for a period of time due to being pregnant. “The employer shall not dismiss a woman worker for her absence due to illness confirmed by a medical certificate which is attributable to the pregnancy or delivery and that she cannot resume her work, provided that the total period of such absence shall not exceed six months.”

Suggested data modification: The answer should change from No to Yes

Legal basis: Labour Law, Article (84)

<https://www.manpower.gov.om/Laborlaw> <https://www.refworld.org/docid/582d7f2e4.html>

**Response from Women, Business and the Law team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law explicitly prohibits the dismissal of pregnant women, if pregnancy cannot serve as grounds for termination of a contract or if dismissal of pregnant workers is considered a form of unlawful termination, unfair dismissal or wrongful discharge. The answer is “No” if there are no provisions prohibiting the dismissal of pregnant workers, or if the law only prohibits the dismissal of pregnant workers during maternity leave or for a limited period of the pregnancy or when their pregnancy results in illness or disability.

Article 84 of the Labour Law of Oman only prohibits the dismissal of pregnant workers in the event that the pregnant worker becomes absent due to illness or disability resulting from pregnancy (unless the absence exceeds six months). However, no provisions could be located that explicitly prohibit employers from dismissing pregnant workers on grounds of pregnancy. Therefore, the answer to this question is “No.”

## **6. Entrepreneurship**

### **Comment received from Government:**

#### *1. Does the law prohibit discrimination in access to credit based on gender?*

Sultanate of Oman entered a Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Therefore, there is no discrimination based on sex or gender. Article 13: “States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits; (b) The right to bank loans, mortgages and other forms of financial credit; (c) The right to participate in recreational activities, sports and all aspects of cultural life.” Article (17) from the Basic Statute of the state, under Royal Decree No. 101/96, states, “All Citizens are equal before the Law and share the same public rights and duties. There shall be no discrimination amongst them on the ground of gender, origin, colour, language, religion, sect, domicile, or social status.” Furthermore, the basic statute of the state of Oman states that all citizens are equal before the law and share the same right and duties, and there should be no discrimination in terms of gender.

Suggested data modification: The answer should change from No to Yes

Legal basis: Royal Decree No. 101/96, Basic Statute of the state, Article (17) CEDAW, Article (13) <https://www.refworld.org/docid/582d7f2e4.html>

### **Response from *Women, Business and the Law* team:**

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law prohibits discrimination by creditors based on gender or prescribes equal access for both men and women when conducting financial transactions, or entrepreneurial activities or receiving financial assistance; or the law prohibits gender discrimination when accessing goods and services (and services are defined to include financial services). The answer is “No” if the law does not prohibit such discrimination or if the law does not provide for effective remedies.

The *Women, Business and the Law* methodology does not consider the text of international conventions, as it only examines domestic laws. No applicable provision(s) could be located that explicitly prohibits discrimination in access to credit based on gender. Therefore, the answer to this question is “No.”

## **7. Pension**

### **Comment received from Government:**

1. *Are periods of absence from work due to childcare accounted for in pension benefits?*

The Social Insurance law states that pensioners both male and female face the same verdict when it comes to collecting benefits, and within this article, periods of absence without pay is also included. Hence, the periods in which parents take time off for childcare purposes there are still entitled to pension benefits.

Suggested data modification: The answer should change from No to Yes

Legal basis: The Social Insurance Law and Schemes, Article 21

<https://www.pasi.gov.om/en/Pages/Regulations/PASISysteminOman.aspx>

**Response from *Women, Business and the Law* team:**

This question examines the existence of compensating arrangements and mechanisms in the mandatory contributory pension scheme that offset interruptions in employment and contributory history due to childcare in the protection of pension entitlements. According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if pension contributions are paid or credited during maternity or parental leave, or the leave period is considered a qualifying period of employment used for the purpose of calculating pension benefits. The answer is also “Yes” if there are mechanisms to compensate for any contribution gaps and to ensure that the leave period does not reduce the assessment base or pension amounts, or if there are no mandatory contributory pension schemes, but there is a noncontributory universal social pension conditioned on noncontributory requirements with no means test attached. The answer is “No” if there are no compensating pension arrangements for periods of childcare, or if there is no mandatory contributory pension scheme for private sector workers and no noncontributory universal social pension scheme in place. Note that this question only looks at workers employed in the private sector.

While article 21 of the Social Insurance Law and Schemes provides that periods of absence without pay or while receiving daily allowances for temporary incapacity to work due to work injury shall be calculated within the period of participation in the insurance, it does not explicitly provide that periods of maternity leave or periods of absence due to childcare are included. Therefore, the answer to this question is “No.”

**Communications**

For questions on this note, please contact:

Tea Trumbic  
Women, Business and the Law  
Global Indicators Group – Development  
Economics  
World Bank Group  
2121 Pennsylvania Avenue NW  
Washington D.C. 20433  
Tel: +1 (202) 473-0577  
E-mail: [ttrumbic@worldbank.org](mailto:ttrumbic@worldbank.org)

Marina Elefante  
Women, Business and the Law  
Global Indicators Group – Development  
Economics  
World Bank Group  
2121 Pennsylvania Avenue NW  
Washington D.C. 20433  
Tel: +1 (202) 473-5556  
E-mail: [melefante@worldbank.org](mailto:melefante@worldbank.org)