

November 2016

Refugee Documentation Centre

Country Marriage Pack

Oman

Disclaimer

Country Marriage Packs (CMPs) are prepared by researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. CMPs contain a selection of representative links to and excerpts from sources under a number of categories for use as Country of Origin Information. Links are correct at the time of publication. Please note that CMPs are not, and do not purport to be, exhaustive with regard to conditions in the countries surveyed or conclusive as to the merit of any particular claim to refugee status or protection.

1. **Types of Marriage**

Civil Marriage

See below

Religious Marriage

A report published by *Freedom House* in February 2009 noted:

“Women in Oman are not entirely free to negotiate equal marriage rights. Muslim women are forbidden by law from marrying non-Muslim men, while Muslim men are free to marry outside the religion.[...] Within these constraints, however, Omani women have the right to choose their husbands and are free to accept or refuse marriage partners suggested by their family, although they face societal pressures to accept their family's choice. Women may sign their own marriage contract without a guardian present, but a judge will ask the guardian to attend the marriage's registration. If the guardian refuses, the judge will complete the marriage process and the woman will sign the contract herself.” (Freedom House (11 February 2009) *Women's Rights in the Middle East and North Africa 2009 - Oman*)

The *Royal Oman Police Directorate General of Civil Status* noted under the heading ‘Marriage Entry’:

“The Ministry of Justice issues the marriage certificate. The Civil Register includes entering on records the civil event of marriage for Omani nationals and foreigners residing in the Sultanate if one of the parties is an Omani citizen. The event is to be reported within thirty days from the date of marriage.

A marriage certificate is issued by the Ministry of Justice. The civil register includes marriages for Omani citizens and of the expatriates residing in the Sultanate if one party is an Omani. Thus, the registrar must be notified within three days from the date of marriage.

The Ministry of Justice through its notary offices is responsible for notifying marriages to the civil status in order to be registered. As for those who have been married prior to the start of the civil register, or who have been married for a long time and their data has been recorded in the civil register, they should notify the registrar by furnishing the requisite documents.” (Royal Oman Police Directorate General of Civil Status (undated) *Marriage Entry*)

Oman Personal Status (Family) Law in an unofficial translation from Arabic provided by Oregon District Attorneys Association in August 2013 noted:

“Offer and Consent:

Article 17: Bearing in mind the provisions of Article 19 of this law, marriage is concluded by the offer of one party and the consent of another, showing absolute satisfaction, with words indicating the meaning in language or in formality. In case of inability to pronounce the words, consent in writing is the alternative, or gestures that are comprehensive.

Article 18: Conditions of consent:

1. Consent and offer must be in like manner.
2. Consent must be attached to the offer in the same time and place.
3. Consent and offer must take immediate effect.

The Guardian:

Article 19: The woman’s guardian shall undertake to conclude her marriage with her consent.

Article 20: (a) Competence is a special right of the woman and the guardian.
(b) Competence is to be taken into account while concluding that contract.
Competence is assessed in light of religion or formality.

Dowry:

Article 21: Dowry is the money offered by the man with the intention of marriage. [...]

The Evidence:

Article 28: For the contract to be valid, two Muslim witnesses shall be present. They must be mature, of age, and must be men who are trustworthy. They must both be able to hear the conversation of the parties concluding the contract and they must be able to understand it. [...]

Types of Marriage:

Article 39: Marriage is either valid or not valid. Invalid marriages include annulled ones.

Article 40: (a) A valid marriage is one whose basic tenets and conditions are fulfilled and where any prohibitory conditions are made void.
(b) A valid marriage takes effect as soon as its contract is concluded.” [...] (Oregon District Attorneys Association (August 2013) *Oman Personal Status (Family) Law*

unofficial translation of Royal Decree No. 32/97 promulgating the Personal Statute which came into effect on 4 June 1997)

A section titled Marriage, Family and Kinship in Everyculture.com noted:

“Marriage. Marriages are normally arranged. The preferred marriage is to a cousin. First choice is to a patrilineal cousin, and second choice is to a matrilineal cousin. Even the well-educated elite of the country, university medical students, express a preference for their families to arrange marriages for them. Love matches are very infrequent, as marriage is viewed more as a contract between two families with the major aim being to produce offspring for the next generation. In polygamous households (more common among the wealthy, but not restricted to them), the first wife tends to be a close cousin and the second wife a younger, less-close relative. In the past, men tended to take on additional wives—Islam permits up to four—but in recent years, men have tended to divorce first wives and remarry, often leaving divorced women destitute and reliant on the government for support.” (Every Culture (undated) *Oman*)

Traditional/Other Marriage

See above

Proxy Marriage

No information on Proxy Marriage could be found among sources consulted by the Refugee Documentation Centre.

2. Formalities of Marriage (Consent, Minimum Age and Registration of Marriage)

The *US Department of State Country Report on Human Rights Practices* published in April 2016 noted in Section 6 under the heading ‘Children’:

“Early and Forced Marriage: The age of legal marriage for men and women is 18 years, although a judge may permit a person to marry younger when the judge or family deemed the marriage was in the minor's interest. Child marriage occurred in rural communities as a traditional practice.” (US Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices - Oman*)

The *Social Institutions and Gender Index* noted in the Oman Country profile for 2016:

“The minimum legal age of marriage is 18 for both men and women (Art. 7) although a judge may permit marriages to individuals under that age with proof that the latter is in the minor's interest (Art. 10/c). Marriages under the legal minimum age cannot be registered, although customary law recognizes marriages below the age of 18.[8]In addition, Articles 16 and 17 of the Personal Status law provide that full consent must be given. While recent data on the prevalence of early marriage is not available, the United Nations (using data from 2003) reports that 4.2% of 15-19 year old women were married, divorced, or widowed.[9]The adolescent fertility rate is 14 births per 1,000 girls aged 15-19.[10]” (Social Institutions and Gender Index (2014) *Country Profile Oman*)

The report also noted:

“A dower is foreseen as one of the elements of the marriage contract (Arts 16 and 21-24), to be paid to the woman in exchange for her consent to marriage, although the Royal Decree No. 55/2010 prevents guardians from limiting women’s right to choose their husband freely.[19] Muslim women are forbidden to marry non-Muslim men unless they convert; the reverse does not apply to Muslim men.[20] In addition, both women and men need official permission to marry non-citizens.[21] Beyond these restrictions, Omani women are free to choose their own marriage partners, but are expected to obtain their family’s approval before marrying.[22]

Sharia law provides for polygamy, allowing Muslim men to take up to four wives.[23]The Ministry of Religious Affairs estimates that one in 20 men are in polygamous unions.[24]” (ibid)

The *Royal Oman Police Directorate General of Civil Status* noted under Civil Status Law, ‘Chapter Four: Marriage & Divorce’:

“Article 22:

An event of marriage or divorce shall be reported if both parties involved or one of them is an Omani citizen.

The reporting of the event to the Registrar shall be made on the prescribed form and accompanied by the marriage or divorce document, as the case may be, within thirty days from the date of occurrence of the marriage or divorce.

The responsibility for reporting shall rest with the husband, wife, husband’s father or wife’s father.

Article 23:

Authorities concerned with marriage contracts, divorce certificates or their authentication shall add thereon the Civil Numbers of both of the husband and the wife, and shall provide the Registrar with an official copy of these documents within thirty days from the date of their issuance, in accordance with the circumstances stated in the Regulations.

The Registrar shall record in the Register their receipt after stamping them or marking on them the registration number, and shall retain copies of them as a reference where necessary.

Article 24:

The competent courts shall inform the Registrar of the final judgments passed by them on any event of marriage, void marriage, divorce, divorcing or divorce sought by the wife or any aspect of separation between the couple, or establishment of the blood relationship within seven days from the date of passing such judgment and on the prescribed form and in accordance with procedures and conditions as stated in the Regulations.

The Registrar shall enter every event in the relevant register.” (Royal Oman Police Directorate General of Civil Status (undated) *Chapter Four: Marriage and Divorce*)

A *Freedom House* report published in February 2009 noted:

“[...] Oman's personal status law requires that marriage contracts be concluded with the witnessing and testimony of two men; a woman's testimony is not permitted in this instance.” (Freedom House (11 February 2009) *Women's Rights in the Middle East and North Africa 2009 - Oman*)

3. **Divorce**

The *Social Institutions and Gender Index* noted in the Oman Country Profile for 2016:

“Men have the right to repudiate, or divorce their wives unilaterally, whereas women are only able to initiate divorce in a narrow range of circumstances, for instance abandonment.[25] Women can also obtain a khula divorce, whereby they can obtain a divorce unilaterally if they agree to forfeit their dowry and any future financial support.[26]” (Social Institutions and Gender Index (2014) *Country Profile Oman*)

The *Royal Oman Police Directorate General of Civil Status* noted under the heading ‘Divorce Entry’:

“A divorce certificate is issued by the Ministry of Justice. The civil register includes divorces involving Omani citizens and of expatriates residing in the Sultanate if one party is an Omani. Divorces should be notified to the registrar within thirty days from the date of divorce.

The Ministry of Justice through its notary offices is responsible for notifying divorces to the civil status in order to be registered. As for those who got divorced before the civil register was being set up or who have been divorced for a long time and their data has been recorded in the civil register, they should notify the registrar by furnishing the requisite documents.” (Royal Oman Police Directorate General of Civil Status (undated) *Divorce Entry*)

4. **Marriage between Non Nationals and Nationals**

The *US Department of State Country Report on Human Rights Practices* published in April 2016 noted in Section 1 under the heading ‘Arbitrary Interference with Privacy, Family, Home, or Correspondence’:

“The Ministry of Interior requires citizens to obtain permission to marry foreigners, except nationals of Gulf Cooperation Council countries, whom citizens may marry without restriction; authorities do not automatically grant permission, and it is particularly difficult for Omani women to obtain. Citizen marriage to a foreigner abroad without ministry approval may result in denial of entry for the foreign spouse at the border and preclude children from claiming citizenship rights. It also may result in a bar from government employment and a fine of 2,000 rials (\$5,200).” (US Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices - Oman*)

The report also noted under the heading ‘Children’:

“Citizen marriage to a foreigner abroad without ministry approval may preclude children from claiming citizenship rights (see section 1.f.)” (ibid)

The *Royal Oman Police Directorate General of Civil Status* noted:

Article 25:

Before issuing licences for marriage of Omani citizens to aliens or requests for certification of the marriage, the authorities concerned shall refer to the in order to ascertain the data included in the application.

The competent authorities shall provide the Directorate General with an official copy of the license or certificate within two weeks form the date of issuing.” (Royal Oman Police Directorate General of Civil Status (undated) *Chapter Four: Marriage and Divorce*)

A report published in February 2009 by *Freedom House* noted:

“Additionally, both men and women must seek the permission of the government to marry noncitizens, a process that may include long delays and ultimately end in a denial. Secret marriages are occasionally performed, but the spouse may be barred from the country or a child refused citizenship.” (Freedom House (11 February 2009) *Women’s Rights in the Middle East and North Africa 2009 - Oman*)

Marriage between two Non Nationals

The *British Embassy Muscat* in Oman noted on their website under the heading Marriage:

“We can issue certificates of no impediment and, in some circumstances, perform a marriage for British nationals. For information on getting married in Oman and how to apply for documents, see getting married abroad.” (British Embassy (undated) *Services for British Nationals*)

Under the section ‘Getting married abroad’ it states:

“Contact the local authorities in the country where you want to get married or enter into a civil partnership to find out what you need to do.

Your marriage or civil partnership should be recognised in the UK if you follow the correct process according to local law - you won’t need to register it in the UK.

You might be asked to get certain documents from the UK government if you’re a British national.” (ibid)

References:

British Embassy (undated) *Services for British Nationals*
<https://www.gov.uk/government/world/organisations/british-embassy-muscat>

Every Culture (undated) *Oman*
<http://www.everyculture.com/No-Sa/Oman.html>

Freedom House (11 February 2009) *Women's Rights in the Middle East and North Africa 2009 – Oman*

<http://www.refworld.org/docid/49bf7ad6c.html>

Oregon District Attorneys Association (August 2013) *Oman Personal Status (Family) Law unofficial translation of Royal Decree No. 32/97 promulgating the Personal Statute which came into effect on 4 June 1997*

https://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf

Royal Oman Police Directorate General of Civil Status (undated) *Divorce Entry*

http://www.civilstatus.gov.om/english/services_DivorceEntry.asp

Royal Oman Police Directorate General of Civil Status (undated) *Chapter Four: Marriage and Divorce*

http://www.civilstatus.gov.om/english/law_04.asp

Royal Oman Police Directorate General of Civil Status (undated) *Marriage Entry*

http://www.civilstatus.gov.om/english/services_MarriageEntry.asp

Social Institutions and Gender Index (2014) *Country Profile Oman*

<http://www.genderindex.org/country/oman>

US Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Oman*

<http://www.refworld.org/docid/5716122811.html>

Sources Consulted:

Australian Government Refugee Review Tribunal

Embassy of the United States Niamey Niger

European Country of Origin Information Network

Freedom House

Immigration and Refugee Board of Canada

National Legislative Bodies

Social Institutions and Gender Index

United Kingdom Home Office

UN Committee on the Elimination of Racial Discrimination

UN Committee on the Elimination of Discrimination Against Women

UN Human Rights Council

UN High Commissioner for Refugees

United States Department of State