THE LAW AND FGM/C
Oman
2026

About Orchid Project

Orchid Project is a UK- and Kenya-based non-governmental organisation catalysing the global movement to end female genital cutting (FGC). Orchid Project's strategy for 2023 to 2028 focuses on three objectives:

1. To undertake research, generate evidence and curate knowledge to better equip those working to end FGM/C
2. To catalyse, support and strengthen regional networks to actively participate in the movement to end FGM/C
3. To influence global and regional policies, actions and funding to end FGM/C.

Orchid Project's aim to expedite the building of a knowledge base for researchers and activists is being fulfilled in the **FGM/C Research Initiative.**

About Wadi

Founded in 1992, Wadi's mission is rooted in the fundamental belief that true development only occurs when individuals possess the power to decide their own futures. We don't provide aid—we support communities to find local resilient solutions rooted in our fundamental beliefs in human rights and equality. Our strategy remains consistent: we provide the platform, but the community provides the voice.

Wadi pioneered the fight against FGM/C in Iraqi Kurdistan through grassroots action, media campaigns, and lobbying at a local and international level. This work has never stopped, only evolved to include the myriads of other forms of gender issues in the area and we continue to work to empower women through literacy, education, vocational education, women's health access in order to combat the systemic roots of gender-based violence.

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ORCHID PROJECT

WORKING TOGETHER TO END
FEMALE GENITAL CUTTING

Overview of Domestic Legal Framework

Overview of Domestic Legal Framework in Oman	
The Constitution explicitly prohibits:	
x	Violence against women and girls
x	Harmful practices
x	Female genital mutilation (FGM/C)
National legislation:	
x	Provides a clear definition of FGM/C
✓	Criminalises the performance of FGM/C under the Penal Code and Child Law
✓	Criminalises the procurement, arrangement and/or assistance of acts of FGM/C
✓	Criminalises the failure to report incidents of FGM/C under the Penal Code
x	Criminalises the participation of medical professionals in acts of FGM/C
✓	Criminalises the practice of cross-border FGM/C under the Penal Code
x	Government has a strategy in place to end FGM/C

Introduction

Figure 1: Map of Oman (1)

The Sultanate of Oman is an absolute monarchy comprising 11 governorates. Oman shares land borders with Saudi Arabia, the United Arab Emirates (UAE) and Yemen, and maritime borders of the Arabian Sea and Gulf of Oman. The country's population is approximately 5.5 million (2), 90% of whom reside in urban areas. The capital city is Muscat with a population of approximately 800,000 (2).

Ethnic groups include Arabs, with sizeable Balōch communities; the Muscat–Maṭraḥ area has long been home to ethnic Persians and merchants of South Asian ancestry, and there are also Swahili-speaking Omanis born in Zanzibar and elsewhere in East Africa (3). Muslims account for 88.84% of the population; Christians 3.73%, Hindus 5.46%, Buddhists 0.78%, and other religions/non-religious groups 1.19% (4).

Omani citizens represent approximately 56.4% of the population and 95% are Muslim (Ibadhi and Sunni sects each constitute about 45% and Shia about 5%); Christians, Hindus, and Buddhists account for roughly 5% of Omani citizens. The remainder of the population are immigrants mostly from Bangladesh, India, Pakistan, the Philippines, and Egypt (5).

Note on Terminology

In Middle Eastern countries female circumcision is sometimes referred to as *khatana* or *sunat*. In most reports about the practice in Oman the term FGM/C is used (or sometimes female circumcision). However, for consistency across Orchid's law reports the term FGM/C has been used throughout.

Female genital cutting is classified into four major types by the World Health Organization (WHO):

Type 1: This is the partial or total removal of the clitoral glans (the external and visible part of the clitoris, which is a sensitive part of the female genitals), and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans).

Type 2: This is the partial or total removal of the clitoral glans and the labia minora (the inner folds of the vulva), with or without removal of the labia majora (the outer folds of skin of the vulva).

Type 3: Also known as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoral prepuce/clitoral hood and glans.

Type 4: This includes all other harmful procedures to the female genitalia for non-medical purposes, e.g., pricking, piercing, incising, scraping and cauterizing the genital area (6).

Prevalence of FGM/C

There are no national statistics on the prevalence of FGM/C in Oman. Various academic studies and small-scale surveys have reported prevalence rates of between 20% and 95%. Girls in Oman are thought to undergo FGM/C Type I and Type II. One study found that almost all the participants over the age of 15 years had been circumcised, and a quarter of another survey said they had experienced FGM/C between the ages of 1 and 5 years.

FGM/C has been reported as occurring throughout Oman, including the southern region of Dhofar, Sharqiya in the north, Dakhiliya, and the coastal region of Batina. According to research, women originating from Muscat are less likely to have undergone the practice.

Further information about FGM/C in Oman is available at: **https://www.fgmcri.org/country/oman**

National Legal Framework

Oman's legal system is a mixed system of Anglo-Saxon law and Islamic law (7).

The highest court in Oman is the Supreme Court, which consists of five judges who are appointed for life by the monarch.

Lower courts include the Courts of Appeal, the Administrative Court, the Courts of First Instance, Sharia courts, magistrates' courts and military courts. Oman's constitution (the Basic Statute of the State) (8) was promulgated by Royal Decree 6/2021 (11 January 2021), which repealed earlier versions issued by Royal Decrees 101/96 and 99/2011. It does not explicitly refer to harmful practices or to violence against women and girls. However, Article 15 (Social Principles of the State) states: '*[]* The state shall guarantee equality between women and men, and shall be committed to providing care for children, persons with disabilities, youth, and young persons in the manner prescribed by the law.'

Applicable general laws

There is no specific law criminalising those who perform FGM/C. However, some provisions of the Omani Penal Code (2018) can be read as addressing and prohibiting FGM/C practices.

The **Ministerial Decision 125/2019** Issuing the Executive Regulation of the Law of the Child makes specific reference to FGM/C.

Omani Penal Code

Articles 306–309 deal with crimes of 'Assault Against Human Safety.' These offences can be committed 'using any means' and range in severity.

> **Article 306:** *Whoever assaults the safety of a human, using any means, and does not intend for that to kill him, but the assault results in death, shall be punished by imprisonment for a period no less than (3) three years and not exceeding (10) ten years.*
>
> **Article 308:** *Whoever assaults the safety of a human, using any means, and the assault results in his illness or hinders his ability to undertake his work for a period exceeding (30) thirty days, shall be punished by imprisonment for a period no less than (3) three months, and not exceeding (3) three years, and a fine no less than (100) one hundred Rial Omani and not exceeding (1,000) one thousand Rial Omani, or one of those two punishments.*

While girls may not take time off from employment, the painful procedure of FGM/C could cause them to miss school (or training) for several weeks which could be classed as hindering their ability to undertake their normal activities, and be harmful to their educational development.

Article 309: *Whoever assaults the safety of a human, using any means, and the assault does not result in an illness or an inability to work for a period exceeding (30) thirty days, shall be punished by imprisonment for a period no less than (10) ten days and not exceeding (6) six months, and a fine no less than (100) one hundred Rial Omani and not exceeding (300) three hundred Rial Omani, or one of those two punishments.*

Procuring, Aiding and Abetting FGM/C

Articles 37 and 38 of the Penal Code define perpetrators and accomplices. If FGM/C is a crime under the above Articles relating to assault, then arranging and assisting in the performance of FGM/C would meet the definition of 'accomplice'.

Article 37: The following is deemed the perpetrator of a crime:

(a) whoever commits it on his own, or with others.

(b) whoever participates in committing it, if it comprises a number of acts, and wilfully carries out one of its constituent acts.

(c) whoever uses another, in any manner, to execute the act constituting the crime, if the latter person is not criminally liable for it or has acted in good faith.

Article 38: The following is deemed an accomplice to a crime:

(a) whoever agrees with others to commit it, and it is committed on the basis of this agreement.

(b) whoever gives the perpetrator a weapon, instruments, information, or any other article used in committing the crime, with knowledge thereof, or willingly assists him using any other means in the preparatory, facilitating, or concluding works for its commission.

(c) whoever incites its commission and it is committed on the basis of such incitement. The liability of the accomplice is established whether his connection with the perpetrator is direct or indirect.

While parents or guardians may not be involved in the actual performance of FGM/C on their girl child, they would be liable as an accomplice if they have arranged for the procedure to take place.

Failure to report FGM/C

This would be covered by the **Penal Code** if Articles 306–309 are applied to performance of FGM/C:

> **Article 225:** *Whoever knows of the commission of a felony, or the existence of an attempt of its commission, at a time at which it would have been possible to prevent it, and refrains without an acceptable excuse to report it to competent authorities, shall be punished by imprisonment for a period no less than a month and not exceeding (6) six months and a fine no less than (100) one hundred Rial Omani and not exceeding (300) three hundred Rial Omani, or one of those two punishments. This Article does not apply to the spouse, ascendants, or descendants of the offender.*

The last sentence of this Article means parents or guardians of the girl would not be liable for failure to report the crime of FGM/C.

The **Child Law No 22/2014** (9) **and Ministerial Decision 125/2019** Issuing the Executive Regulation of the Law of the Child (10)

Article 20 of the Law of the Child states:

> *It is prohibited for anyone, particularly for physicians, nurses and guardians, to carry out, promote or contribute to traditional practices that are harmful to the health of the child. The regulation sets out the traditional practices that are harmful to the health of the child, and the Ministry of Health must take the necessary steps to raise awareness of the dangers of such practices.*

However, the Law of the Child was amended in 2019 by Ministerial Decision 125/2019 Issuing the Executive Regulation of the Law of the Child, which specifically addresses FGM/C performed on girls under the age of 18.

Article 4 of the Executive Regulations states: '*The following traditional practices are considered harmful to a child's health: female genital mutilation by any means.*'

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 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.

Article 4 would include criminalisation of those who procure, aid or abet FGM/C on girls under 18.

Medicalised FGM/C

The extent to which FGM/C is carried out by medical professionals within clinics and hospitals or elsewhere in Oman is not known, as no surveys have been conducted. However, anecdotal and media reports suggest that while Omani state hospitals are prohibited from performing the procedure, it may be taking place in private clinics (11). It has also been found that doctors and other medical professionals are afraid to talk about the practice (12).However, as mentioned earlier, Article 4 of **The Child Law No 22/2014 and the Ministerial Decision 125/2019 Issuing the Executive Regulation of the Law of the Child** specifically includes those medical and health professionals who participate in FGM/C:

> **Article 4:** [...] *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 for a period of between 3 and 6 years.*

Under **Penal Code Article 44(b),** medical professionals are only able to claim exemption from a criminal act if:

> *the act is committed in good faith in the exercise of a right or in the performance of a duty prescribed by law performed in accordance with scientific principles commonly agreed among licensed medical professionals, and with the express or implied consent of the patient or his representative.*

As it is accepted internationally that FGM/C is not required for any medical reason, to perform it would be contrary to the 'scientific principles commonly agreed among licensed medical professions' as stated in Article 44(b). Medical professionals who perform FGM/C, therefore, would not be able to claim an exemption from criminal liability.

Cross-Border FGM/C

While Omani state hospitals are prohibited from performing FGM/C, there are anecdotal and media reports of Omani girls undergoing the procedure in private clinics in the UAE as an alternative (13).

The Child Law and its Executive Regulation do not state that they have extraterritorial effect. However, if FGM/C is treated as a criminal offence in Oman under the Penal Code assault provisions, **Article 18 of the Penal Code** may apply to those who take their daughters abroad to undergo FGM/C:

Article 18: *The provisions of this Law shall apply to every Omani citizen who commits outside the State an act that is considered a felony or misdemeanour in accordance with this Law, if he returns to the State, and the act is punishable in the state in which the crime was committed by imprisonment for a period no less than a year … unless it is proven that he was tried abroad, and found innocent or guilty, and served the sentence [...] If Omani law and the law of the place of the crime differ, such difference shall be observed in favour of the accused.*

Penalties

Under Article 306 of the Omani Penal Code: Where an assault results in death the sentence will be imprisonment of between 3 and 10 years.

If **Article 308** is applied when a girl is unable to attend school hindering her educational development due to the assault, the perpetrator may be punished with imprisonment of between 3 months and 3 years, and / or fined between 100 and 1000 Rial Omani.

While girls may not take time off from employment, the painful procedure of FGM/C could cause them to miss school or training for several weeks which could be classed as hindering their ability to undertake their normal activities, and be harmful to their educational development.

Under Article 309: Whoever assaults another, using any means, even if the assault does not result in illness or inability to work, they will be punished by imprisonment for between 10 days and six months, and / or fined between 100 and 300 Rial Omani.

Procuring, Aiding and Abetting FGM/C

Those found guilty of being an accomplice under Articles 37 and 38 of the Penal Code will receive the same type of sentence as the perpetrator:

> **Article 39** Every accomplice present during the commission of the crime or any of the acts constituting the crime is punished by the punishment of the perpetrator [...] the punishment shall not exceed half of the maximum limit prescribed for it.

Failing to report FGM/C:

Under Article 225 of the Omani Penal Code if a person (other than parents or guardians of the girl) knows an incident of FGM/C is going to take place, or has taken place, and they fail to report it to the relevant authorities, they may be punished with imprisonment of between one and six months, and / or fined between 100-300 Rial Omani.

Under The Child Law No 22/2014 and the Ministerial Decision 125/2019 Issuing the Executive Regulation of the Law of the Child:

Article 67 of the Child Law provides that anyone who violates the provisions of Article 20 of the Child Law shall be subject to imprisonment for between six months and three years, and the sentence will be doubled in case of relapse.

Article 4 of the Executive Regulations relating to the Law of the Child, which specifically refers to FGM/C, reinforces this penalty and 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 for a period of between 3 and 6 years, and that the sentence, in its minimum and maximum limits, shall be doubled in case of relapse' (i.e. if they commit this crime a second or further time).

Article 4 of the Regulations would also criminalise those who procure, aid or abet FGM/C on girls under 18, and would therefore be subject to the same punishment: imprisonment for 3–6 years.

Implementation of the law

There have been no criminal prosecutions in Oman against perpetrators of FGM/C under either the Omani Penal Code or the Ministerial Decree Regulations of the Law of the Child.

Role of the state

In 2005, the Ministry of Health announced that its 2006–2010 Five-Year Health Plan would include a commitment to study the prevalence of FGM/C in Oman and to design community awareness programmes. However, no such study has been published.

Convention on the Elimination of Discrimination Against Women (CEDAW)

In their 'Concluding observations on the fourth periodic report of Oman' (February 2024) (14), the Committee for the Elimination of Discrimination Against made the following observations in paragraphs 29–30 on harmful practices:

> Para 29. *The Committee notes with appreciation that article 4 of the executive regulation of the Child Law promulgated by Ministerial Decision 125/2019 identifies female genital mutilation as one of the traditional practices that are harmful to the health of women and girls, and that the practice is criminalized by article 67 of the Child Law. Nevertheless, the Committee regrets the lack of information on concrete efforts to eliminate this harmful practice, particularly in rural areas, where it continues to be observed. It is also concerned about the prevalence of child and/or forced marriage and its continuing legality under the Personal Status Law upon the authorization of a competent judge.*
>
> Para 30. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and the Committee's previous recommendations (CEDAW/C/OMN/CO/2-3, para. 24), the Committee encourages the State party:*
>
> (a) *To ensure the enforcement of article 67 of the Child Law, criminalizing female genital mutilation, and undertake sustained comprehensive efforts, including in cooperation with religious leaders and the media, to prevent this harmful practice throughout the country, with particular focus on rural areas;*
>
> [...]
>
> (d) *To strengthen support measures, such as shelters, counselling and rehabilitation services, for women and girl survivors of violence, including victims of female genital mutilation and child and/or forced marriage, and provide training for the judiciary, law enforcement officers and health professionals.*

Convention on the Rights of the Child (CRC)

In their Concluding Observations of Oman's Fifth and Sixth Combined Periodic Review, in January 2023 (15) (16), the Committee for the Rights of the Child asked the Omani delegation what measures were in place to stamp out the practice of FGM/C. The delegation responded that the practice was criminalised, and penalties of up to three years imprisonment were applied for carrying out FGM/C or any act impinging on the physical integrity of a child. All individuals, including children, were able to lodge complaints about such acts to the Government through an online portal. Cases of female genital mutilation were considered to be cases of abuse of children, and were immediately responded to by child welfare services when reported. A committee dealing with the issue of female genital mutilation had been established.

While there is no direct link between child marriage and the practice of FGM/C, laws relating to early marriage can provide an indication of girls' broader legal standing and the cultural environment in which FGM/C occurs. Although the legal age of marriage is 18 under Article 7 of Oman's Personal Status Law, exceptions are permitted under Article 10 (17).

However, under Article 10 of the Personal Status Law, marriage under the age of 18 is allowed if it is considered to be in the bride's best interests, if her guardian consents, or with permission from a judge. It is estimated 4% of women in Oman were married before they were 18 years. Furthermore, as there is no absolute minimum age of marriage once these exceptions have been considered, girls may be married before the age of 15. In Oman, it is estimated that 1% of women were married before the age of 15 (17).

Girls Not Brides notes that whilst there is limited official information on child marriage in Oman, there is anecdotal evidence of girls being trafficked from India and Yemen to be married in Oman (17).

Organisation of Islamic Co-operation (OIC)

Oman has been a member of the Organisation of Islamic Co-operation since 1972. Oman has not signed the Cairo Declaration on the Elimination of FGM (in June 2003); it has not been signed by any of the Gulf States or Middle East countries as, then, it was seen as only relevant to African members of OIC. However, in February 2025, the OIC's Independent Permanent Human Rights Commission (IPHRC) issued a statement on behalf of its membership on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', in which it made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with international human rights standards. This statement is reproduced at Annex 4 (18).

This OIC IPHRC's statement calls on member states to take 'urgent and coordinated action to eliminate FGM' by:

a) enacting and enforcing legislation to eliminate FGM and other harmful practices,

b) implementing effective measures to protect women and girls from harmful practices, and

c) conducting widespread awareness and advocacy campaigns about the dangers of FGM and to dispel misconceptions regarding its religious basis.

Reference to ending harmful practices is also made in the OIC's Plan of Action for the Advancement of Women (OPAAW) which was adopted by OIC's Sixth Session of the Ministerial Conference on the Role of Women in the Development of OIC Member States held in Istanbul in November 2016 (19). The following statements reference this commitment:

> **Objective No 6:** *Protection of Women from Violence: Combating all forms of gender-based violence, human trafficking and other harmful traditional practices against women and girls. Combating different forms of violence against women and girls including deprivation of opportunities and full enjoyment of their rights through preventive measures and provisions of rehabilitation to victims and punishment of perpetrators.*
>
> **Section 6 (g):** *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders.*

And in the matrices setting out the Mechanisms for Implementation:

- *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders* (19 p.34).
- *Combating gender-based violence in all its manifestations, including domestic violence, human trafficking, fighting harmful traditional practices and violence against displaced women* (19 p.36).
- *Integrate sexual and gender-based violence response, including child violence in all humanitarian policies and develop channels of communication to denounce these harmful practices and provide necessary assistance to victims* (19 p.40).

Civil Society Observations

In 2018 **Stop FGM Middle East** published a survey conducted in 2017 which states that FGM/C 'in Oman bears shocking results: 95.5 percent of women reported to be mutilated.'[1] The report went on to say 'female genital mutilation is closely related to religion in Oman – the majority of women say they cut their daughters for religious reasons: in the new study 72.5 percent call it a religious practice' [...] while in an 'earlier study 53 percent believed FGM must be done in accordance with Islam.' Stop FGM Middle East says in their

[1] Stop FGM Middle East » New Study: Almost 100 percent women mutilated in region of Oman – Time to act!

review of the survey report that the government 'takes an ambivalent stand. Hospitals are banned from delivering 'the service', but there is no education or awareness raising of any sorts.'

Human Rights Watch submitted a paper to the CRC's combined 5th and 6th periodic review of Oman's progress report in 2020 (20). HRW noted that '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/C, with the vast majority of mutilations conducted at home on babies and young girls (21) (22). 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 (12).'

In their submission to the CRC, in 2021 MAAT (**MAAT for Peace Development and Human Rights**) (20) referred to the passing of Article 4 of the Executive Regulations for the Child Law having made special reference to criminalisation of medical professionals who performed FGM/C, but also noted that 'Oman comes first, compared to the rest of the Gulf countries, in the spread of female circumcision. The widespread prevalence of this phenomenon in Oman is related to the support of this phenomenon by clerics who hold official positions, such as, the Mufti of Oman who stated in March 2020 that circumcision is not a violation of girls' rights, and is considered a kind of improving the relationship between the girl and her husband.'[2] MAAT requested the CRC to ask the State delegation what measures it has taken 'in the context of confronting the official discourse of some Omani officials, especially religious leaders, who consider the phenomenon of circumcision not harmful to the girl.'

While CSOs and NGOs are legal in Oman, their objectives and activities are limited by burdensome registration procedures, extensive monitoring, and the threat of dissolution or even imprisonment if they act beyond their registered objectives or become involved in political activity.

The Ministry of Interior has the right to revoke the citizenship of Omanis who join organizations deemed in opposition to national interests. In addition, the 2018 Omani Penal Code, Article 116, permits authorities to detain individuals who 'establish, operate, or finance an organisation aimed at challenging the political, economic, social or security principles of the state' (23).

Academic freedom is limited by restrictions on publishing any material about politically sensitive topics, and by placing controls on contacts between Omani universities and foreign institutions. It may therefore be difficult therefore to conduct surveys about FGM/C and other harmful practices if these topics are seen as challenging political or social stability (23).

[2] ختان الإناث: تشويه أعضائهن التناسلية، المركز العماني لحقوق الإنسان، 5 فبراير 2021، على الرابط التالي: https://bit.ly/3d3JlZw

Conclusions

Article 4 of Oman's Executive Regulations for the Child Law as amended by Ministerial Decision 125/2019 specifically addresses FGM/C performed on girls under the age of 18:

> *The following traditional practices are considered harmful to a child's health: Female genital mutilation by any means.*

This 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 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. **Article 4** would include criminalisation of those who procure, aid or abet FGM/C on girls under 18.

Under the **Omani Penal Code**, with regard to women over the age of 18 (as well as girls under 18) **Articles 306–309 of the Omani Penal Code** which deal with crimes of 'Assault Against Human Safety' defined as 'using any means' and range in severity, can be applied:

- *Harm that results in the victim's death (Article 306) is punishable by imprisonment for 3–10 years; Harm that results in the victim's illness or inability to undertake work for more than 30 days (Article 308) is punishable by imprisonment of 3 months – 3 years and / or a fine of 100–1,000 Omani rials. ('Work' could be taken to include loss of 30 days of schooling or training for a girl.)*
- *Harm that does not result in the victim's illness or inability to undertake work for more than 30 days (Article 309) is punishable by 10 days – 6 months in prison, and/or a fine of 100-300 Omani Rials.*

Recommendations

Research demonstrates that while important, legislation against FGM/C should be part of a holistic, multi-sectoral approach to effectively work toward elimination of the practice. Enforcement of the law without a holistic approach can lead to fear and pushing the practice underground.

The following recommendations, therefore, should be considered alongside holistic and multi-sectoral approaches to ending the practice.

1. Although Ministerial Decision 125/2019 (the Executive Regulation to the Law of the Child) explicitly criminalises FGM/C, it would be beneficial for the Penal Code to define FGM/C and to explicitly recognise it as a criminal offence. **OR:**

   Introduce a law that explicitly prohibits and criminalises FGM/C in Oman. This law should cover perpetrators; procuring, aiding and abetting FGM/C; providing tools and premises for the purposes of FGM/C, and failure to report a planned or past incident of FGM/C.

   Guidance on the features that should be included in a law against FGM/C are set out in Orchid Project's Model Law report, which is available **here.**

2. Develop Ministry of Health guidelines on the dangers of FGM/C for all medical, health and welfare professionals working in Oman's hospitals and clinics, including midwives, doctors and nurses. Extend these guidelines and Ministerial Decision 125/2019 to include private clinics and medical professionals as well as state run health facilities and staff.

3. Strengthen border controls to deter Omani citizens from taking their daughters abroad for the purpose of undergoing FGM/C, and to prevent FGM/C practitioners from entering Oman with the intention of carrying out FGM/C.

4. Undertake a nationally representative, disaggregated survey in Oman to determine the prevalence and characteristics of FGM/C, including among those who have undergone FGM/C or are at risk of undergoing FGM/C, and assess the extent to which medicalisation is taking place.

Appendix 1: International and Regional Treaties

Treaty	Signed	Ratified	Acceded	Reservations on reporting
Convention on the Elimination of All forms of Discrimination Against Women (1979) (*CEDAW*)			7 February 2006	'1 All provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman; 2 Article 9, paragraph 2, which provides that States Parties shall grant women equal rights with men with respect to the nationality of their children; 3 […] 4 Article 16, regarding the equality of men and women, and in particular subparagraphs (a), (c), and (f) (regarding adoption. 5 The Sultanate is not bound by Article 29, paragraph 1, regarding arbitration and the referral to the International Court of Justice of any dispute between two or more States which is not settled by negotiation.'
Convention on the Rights of the Child (1989) (*CRC*)			3 January 1997	'The Sultanate of Oman is not committed to the contents of Article 14 of the Convention which gives the child the right to freedom of religion until he reaches the age of maturity.'

'Signed': a treaty is signed by countries following negotiation and agreement of its contents.

'Ratified': once signed, most treaties and conventions must be ratified (i.e. approved through the standard national legislative procedure) to be legally effective in that country.

'Acceded': when a country ratifies a treaty that has already been negotiated by other states.

Annex 2: CEDAW General Recommendation No 14: Female Circumcision

FGM/C – UN CEDAW Committee General Recommendation No. 14 UN CEDAW COMMITTEE General Recommendation No. 14 (ninth session, 1990) Female circumcision

The Committee on the Elimination of Discrimination against Women, Concerned about the continuation of the practice of female circumcision and other traditional practices harmful to the health of women,

Noting with satisfaction that Governments, where such practices exist, national women's organizations, non-governmental organizations, and bodies of the United Nations system, such as the World Health Organization and the United Nations Children's Fund, as well as the Commission on Human Rights and its Sub- Commission on Prevention of Discrimination and Protection of Minorities, remain seized of the issue having particularly recognized that such traditional practices as female circumcision have serious health and other consequences for women and children,

Taking note with interest the study of the Special Rapporteur on Traditional Practices Affecting the Health of Women and Children, and of the study of the Special Working Group on Traditional Practices,

Recognizing that women are taking important action themselves to identify and to combat practices that are prejudicial to the health and well-being of women and children,

Convinced that the important action that is being taken by women and by all interested groups needs to be supported and encouraged by Governments,

Noting with grave concern that there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices, such as female circumcision,

Recommends that States parties:

- Take appropriate and effective measures with a view to eradicating the practice of female circumcision. Such measures could include :
    - The collection and dissemination by universities, medical or nursing associations, national women's organizations or other bodies of basic data about such traditional practices;

- The support of women's organizations at the national and local levels working for the elimination of female circumcision and other practices harmful to women;
- The encouragement of politicians, professionals, religious and community leaders at all levels, including the media and the arts, to co-operate in influencing attitudes towards the eradication of female circumcision;

The introduction of appropriate educational and training programmes and seminars based on research findings about the problems arising from female circumcision;

- Include in their national health policies appropriate strategies aimed at eradicating female circumcision in public health care. Such strategies could include the special responsibility of health personnel, including traditional birth attendants, to explain the harmful effects of female circumcision;

  Invite assistance, information and advice from the appropriate organizations of the United Nations system to support and assist efforts being deployed to eliminate harmful traditional practices;
- Include in their reports to the Committee under articles 10 and 12 of the Convention on the Elimination of All Forms of Discrimination against Women information about measures taken to eliminate female circumcision.

Annex 3: Role of the State (UN: CEDAW/C/GC/31/Rev.1CRC/C/GC/18/Rev.1)

In 2019 the Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child issued Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment, and No. 18 of the Committee on the Rights of the Child (2019), on harmful practices.

Available at: g1913442.pdf or
www.documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf

The objective of this Joint General Recommendation/General Comment is to clarify the obligations of States party to the Conventions by providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the Conventions to eliminate harmful practices.

This Joint Recommendation/General Comment sets out a framework that States should follow in order to eliminate harmful practices. Of particular note are the recommendations as set out below:

Article 39. The Committees recommend that the States parties to the Conventions:

> (a) Accord priority to the regular collection, analysis, dissemination and use of quantitative and qualitative data on harmful practices disaggregated by sex, age, geographical location, socioeconomic status, education level and other key factors, and ensure that such activities are adequately resourced. Regular data collection systems should be established and/or maintained in the health-care and social services, education and judicial and law enforcement sectors on protection-related issues;
>
> (b) Collect data through the use of national demographic and indicator surveys and censuses, which may be supplemented by data from nationally representative household surveys. Qualitative research should be conducted through focus group discussions, in-depth key informant interviews with a wide variety of stakeholders, structured observations, social mapping and other appropriate methodologies.

Article 55. The Committees recommend that the States parties to the Conventions adopt or amend legislation with a view to effectively addressing and eliminating harmful practices. In doing so, they should ensure:

(a) That the process of drafting legislation is fully inclusive and participatory. For that purpose, they should conduct targeted advocacy and awareness-raising and use social mobilization measures to generate broad public knowledge of and support for the drafting, adoption, dissemination and implementation of the legislation;

(b) That the legislation is in full compliance with the relevant obligations outlined in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and other international human rights standards that prohibit harmful practices and that it takes precedence over customary, traditional or religious laws that allow, condone or prescribe any harmful practice, especially in countries with plural legal systems;

(c) That they repeal without further delay all legislation that condones, allows or leads to harmful practices, including traditional, customary or religious laws and any legislation that accepts the defence of honour as a defence or mitigating factor in the commission of crimes in the name of so-called honour;

(d) That the legislation is consistent and comprehensive and provides detailed guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and is complemented by adequate civil and/or administrative legislative provisions;

(e) That the legislation adequately addresses, including by providing the basis for the adoption of temporary special measures, the root causes of harmful practices, including discrimination on the basis of sex, gender, age and other intersecting factors, focuses on the human rights and needs of the victims and fully takes into account the best interests of children and women;

(f) That a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years;

(g) That a legal requirement of marriage registration is established and effective implementation is provided through awareness-raising, education and the existence of adequate infrastructure to make registration accessible to all persons within their jurisdiction;

(h) That a national system of compulsory, accessible and free birth registration is established in order to effectively prevent harmful practices, including child marriage;

(i) That national human rights institutions are mandated to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by women and children, in a confidential, gender sensitive and child-friendly manner;

(j) That it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they

have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report;

(k) That all initiatives to draft and amend criminal laws must be coupled with protection measures and services for victims and those who are at risk of being subjected to harmful practices;

(l) That legislation establishes jurisdiction over offences of harmful practices that applies to nationals of the State party and habitual residents even when they are committed in a State in which they are not criminalized;

(m) That legislation and policies relating to immigration and asylum recognize the risk of being subjected to harmful practices or being persecuted as a result of such practices as a ground for granting asylum. Consideration should also be given, on a case-by-case basis, to providing protection to a relative who may be accompanying the girl or woman;

(n) That the legislation includes provisions on regular evaluation and monitoring, including in relation to implementation, enforcement and follow-up;

(o) That women and children subjected to harmful practices have equal access to justice, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period, and that the perpetrators and those who aid or condone such practices are held accountable;

(p) That the legislation includes mandatory restraining or protection orders to safeguard those at risk of harmful practices and provides for their safety and measures to protect victims from retribution;

(q) That victims of violations have equal access to legal remedies and appropriate reparations in practice.

Article 69. The Committees recommend that the States parties to the Conventions:

(a) Provide universal, free and compulsory primary education that is girl friendly, including in remote and rural areas, consider making secondary education mandatory while also providing economic incentives for pregnant girls and adolescent mothers to complete secondary school and establish non-discriminatory return policies;

(b) Provide girls and women with educational and economic opportunities in a safe and enabling environment where they can develop their self-esteem, awareness of their rights and communication, negotiation and problem-solving skills;

(c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination;

(d) Ensure that schools provide age-appropriate information on sexual and reproductive health and rights, including in relation to gender relations and responsible sexual behaviour, HIV prevention, nutrition and protection from violence and harmful practices; (

e) Ensure access to non-formal education programmes for girls who have dropped out of regular schooling, or who have never enrolled and are illiterate, and monitor the quality of those programmes;

(f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

Article 73: The Committees recommend that the States parties to the Conventions:

(a) Provide all relevant front-line professionals with information on harmful practices and applicable human rights norms and standards and ensure that they are adequately trained to prevent, identify and respond to incidents of harmful practices, including mitigating negative effects for victims and helping them to gain access to remedies and appropriate services;

(b) Provide training to individuals involved in alternative dispute resolution and traditional justice systems to appropriately apply key human rights principles, especially the best interests of the child and the participation of children in administrative and judicial proceedings;

(c) Provide training to all law enforcement personnel, including the judiciary, on new and existing legislation prohibiting harmful practices and ensure that they are aware of the rights of women and children and of their role in prosecuting perpetrators and protecting victims of harmful practices;

(d) Conduct specialized awareness and training programmes for health-care providers working with immigrant communities to address the unique health-care needs of children and women who have undergone female genital mutilation or other harmful practices and provide specialized training also for professionals within child welfare services and services focused on the rights of women and the education and police and justice sectors, politicians and media personnel working with migrant girls and women.

Article 81. The Committees recommend that the States parties to the Conventions:

(a) Develop and adopt comprehensive awareness-raising programmes to challenge and change cultural and social attitudes, traditions and customs that underlie forms of behaviour that perpetuate harmful practices;

(b) Ensure that awareness-raising programmes provide accurate information and clear and unified messages from trusted sources about the negative impact of harmful practices on women, children, in particular girls, their families and society at large. Such

programmes should include social media, the Internet and community communication and dissemination tools;

(c) Take all appropriate measures to ensure that stigma and discrimination are not perpetuated against the victims and/or practising immigrant or minority communities;

(d) Ensure that awareness-raising programmes targeting State structures engage decision makers and all relevant programmatic staff and key professionals working within local and national government and government agencies;

(e) Ensure that personnel of national human rights institutions are fully aware and sensitized to the human rights implications of harmful practices within the State party and that they receive support to promote the elimination of those practices;

(f) Initiate public discussions to prevent and promote the elimination of harmful practices, by engaging all relevant stakeholders in the preparation and implementation of the measures, including local leaders, practitioners, grass-roots organizations and religious communities. The activities should affirm the positive cultural principles of a community that are consistent with human rights and include information on experiences of successful elimination by formerly practising communities with similar backgrounds;

(g) Build or reinforce effective partnerships with the mainstream media to support the implementation of awareness-raising programmes and promote public discussions and encourage the creation and observance of self-regulatory mechanisms that respect the privacy of individuals.

Article 87. The Committees recommend that the States parties to the Conventions:

(a) Ensure that protection services are mandated and adequately resourced to provide all necessary prevention and protection services to children and women who are, or are at high risk of becoming, victims of harmful practices; (

b) Establish a free, 24-hour hotline that is staffed by trained counsellors, to enable victims to report instances when a harmful practice is likely to occur or has occurred, and provide referral to needed services and accurate information about harmful practices;

(c) Develop and implement capacity-building programmes on their role in protection for judicial officers, including judges, lawyers, prosecutors and all relevant stakeholders, on legislation prohibiting discrimination and on applying laws in a gender-sensitive and age-sensitive manner in conformity with the Conventions;

(d) Ensure that children participating in legal processes have access to appropriate child-sensitive services to safeguard their rights and safety and to limit the possible negative impacts of the proceedings. Protective action may include limiting the number of times that a victim is required to give a statement and not requiring that

individual to face the perpetrator or perpetrators. Other steps may include appointing a guardian ad litem (especially where the perpetrator is a parent or legal guardian) and ensuring that child victims have access to adequate child sensitive information about the process and fully understand what to expect;

(e) Ensure that migrant women and children have equal access to services, regardless of their legal status.

Annex 4: OIC statement dated 2 Feb 2025 (18)

OIC-IPHRC, on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with the international human rights standards.

Jeddah, 6th February 2025: The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) joins the international community in commemorating the 'International Day of Zero Tolerance for Female Genital Mutilation (FGM) 2025' and strongly condemns all forms of violence against women and girls, including the harmful practice of Female Genital Mutilation (FGM). The Commission reaffirms that FGM is a deeply entrenched traditional practice with no religious justification and stands in clear violation of human rights.

The Commission emphasizes that Islam upholds the dignity and rights of women and categorically rejects practices that cause physical, psychological, or emotional harm. It is estimated that over 230 million girls and women worldwide have suffered the effects of FGM and that an estimated 27 million additional girls are at risk of undergoing FGM by 2030 unless action is accelerated1. FGM violates several human rights outlined under the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of the Child. The practice of FGM is recognized internationally as a violation of the human rights of girls and women. It is mainly carried out on minors and is a violation of the rights of the girl child. The practice also violates a person's right to health, security, and physical integrity; the right to be free from torture and cruel, inhuman, or degrading treatment; and the right to life in instances when the procedure results in death.

The Commission acknowledges and appreciates efforts being taken by the Member States against this practice that endangers the physical and psychological health of women and girls. It was concluded at the Second Islamic Conference of Ministers in charge of Childhood held in Khartoum in 20092 that FGM is a violation of the human rights of girls and women. OIC has adopted 'The Cairo Declaration of the OIC on Human Rights, in which specific sections are included on 'Human Rights of Women,' which calls for the protection of women against all forms of discrimination, violence, abuse, and harmful traditional practices. Also, OIC welcomed the UN General Assembly resolution 67/146, entitled, 'Intensifying global efforts for the elimination of female genital mutilations' and resolution 67/144, entitled, Intensification of efforts to eliminate all forms of violence against women5, both of which were adopted without a vote. Human Rights Council adopted resolution 44/16 on the elimination of FGM to speed up efforts to reach zero tolerance for FGM by 2030 and to restate

the global ban on the harmful practice as it constitutes a serious violation of women rights. Goal 5 of the 2030 Agenda for Sustainable Development7 calls for eliminating FGM. The International Islamic Fiqh Academy, in its Resolution No. 220 (4/23)8, categorically stated that female genital mutilation is prohibited in Islam. Accordingly, the OIC Plan of Action for the Advancement of Women (OPAAW)9 and its comprehensive implementation mechanism, while supporting international efforts, calls for the eradication of all harmful practices, in particular, FGM.

The Commission calls for collective efforts to empower women and girls through education, healthcare, and legal protection. It calls upon governments, civil society organizations, and the media to take urgent and coordinated action to eliminate FGM. Human rights-based approaches to eradication include, but are not limited to, the enforcement of laws, education programs focused on empowerment, and campaigns to recruit change agents from within communities. Accordingly, the Commission urges governments to: (a) enact and enforce legislation to eliminate FGM and other harmful practices; (b) implement effective administrative measures to protect women and girls from harmful practices and violence and ensure accountability; (c) conduct widespread awareness and advocacy campaigns to educate the public on the dangers of FGM and dispel misconceptions regarding its religious basis. In this regard, the Commission, while respecting cultural sensitivities and national laws, affirmed its readiness to work together with all relevant OIC institutions and Member States to bring an end to all forms of violence, bias, and discrimination against women.

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This report analyses and discusses the application of national (criminal) laws to the commission of FGM/C and any possible related crimes. It also explores other legal factors deemed relevant, such as legal obligations to report the commission or likely upcoming commission of FGM/C, available legal protective measures for girls and women at risk of FGM/C, and any obligations of national governments in relation to FGM/C.

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