

Discrimination Against Women In Kuwaiti Laws And Culture

Fatima AL Matar¹

Fatima Al Matar is a former Public Law Professor at Kuwait University, Kuwait. Due to facing prosecution for her political and religious views, she is currently a refugee in the United States.

E-mail: fatimaalmatar@yahoo.com

Abstract—Outwardly, it seems that Kuwaiti women enjoy more liberties and freedoms than women in neighboring Gulf States do. However, a closer look at the Kuwait culture, and some significant Kuwait laws, or in some cases, the absence of protective law. It appears to us that Kuwaiti women suffer a substantial amount of discrimination. This paper attempts to highlight these laws and cultural norms that restrict women in Kuwait, and in some cases, endanger their lives.

Keywords—Kuwaiti Women, Honor Killings, Legislation, Culture, Sexism, Misogyny, Discrimination, Social Media, Freedom, Rights.

Introduction

A photo has recently² emerged on social media, causing excitement, and additional proof of how legislative and non-legislative rules in the State of Kuwait, continue to discriminate against women's freedoms, and women's wellbeing.

The photo is of a sign hung at the receptionist desk of a public gynecologist clinic³. The sign reads 'Any woman seeking medical attention must have her marriage certificate with her'. The fact that women must be married, and must prove that they're married, in order to get medical attention at this specific clinic is sexist, unfair, and dangerous. Unmarried women need to see, and have the right to see gynecologists just as much as married women do. Especially when men in Kuwait don't have to prove that they're married before seeking a urologist.

As the Salafists gained more political power in Kuwait, and have been spreading their extreme religious ideologies, and misogynist views for the past twenty years. The Kuwaiti people in general have witnessed a significant withdrawal in their freedoms⁴, but women have suffered the most.

A medical center announcing that only married women deserve care, carries the insinuation that unmarried who need to see a gynecologist are fallen and immodest women, which is simply untrue, as women don't only seek the care of their gynecologists for STDS and pregnancy issues. And if unmarried women did carry STDS, or were suffering from something, where can they go to get care? Does the state deny them health care because of religious and cultural views of piety and modesty? One would say, women could seek another clinic, but according to some women's feedback below, this wasn't easy.

In response to the provocative tweet. Many women started telling their personal stories, when visiting the discriminating clinic and other clinics around Kuwait (names of which were not mentioned). One lady said that she was asked to provide a marriage certificate, and when she explained that she was divorced she was told to bring her divorce certificate. Another who was single, was told to bring her father with her as her guardian, and that only her guardian will be permitted to receive her test results. Another was advised by her doctor that her *Abaya* (a traditional long black garb many Kuwaiti women wear) is too fitting, and that she needs to wear a looser one, and not show her figure. Several unmarried women were turned away without getting any care.

This unjustified act of discrimination against women in Kuwait is a non-legislative rule, some gynecologists just decided one day to stop providing health care for unmarried women, there is no proof that this practice started due to an official decree from the Ministry of Health, or any other form of written legislation. And yet this incident is one of many legislative and non-legislative procedures that restrict women's rights and freedoms, and portrays them as second-class citizens in their own country.

Below are laws, and social customs that discriminate against women in Kuwait, restricts their rights and freedoms, and in some cases endangers their lives.

¹ Former Public Law Professor at Kuwait University, Kuwait.

² The Photo was posted on Twitter on Spet. 8th 2019.

³ Al Sager Medical Center, in Adailiya, Kuwait.

⁴ See my paper, Al Matar, F, 'How Reading and Tweeting Became A Crime: Kuwait's Attack on its Constitutional Freedoms', International Multilingual Journal of Science and Technology (IMJST), ISSN: 2528-9810, Vol. 4, Issue 6,

- A Woman Cannot Authorize Surgery for her Underage Child, Parents, or Siblings

According to a decision made by the Department for Legal Advice and Legislation in 2010⁵, and passed on to Kuwait's hospitals. A mother cannot authorize surgery for her underage child. Thus if the child in need of surgery is under fifteen years of age, the authorization has to be made by the father, or the paternal grandfather, or paternal uncles, if the father is not available to sign consent. This decision can be extremely dangerous especially for divorced mothers who have no contact with their children's fathers, or when the father refuses to cooperate. This decision applies despite the fact that the divorced mother has full custody of her sick child. There is no legal way for a divorced mother to obtain permission to authorize surgical procedures for her children through the courts.

Also, a Kuwaiti woman cannot authorize any surgical procedure for either her parents, or her siblings. Therefore, if her mother needed urgent surgery, the consent for the procedure has to come from a son, and if a son is not available, then from a male relative.

This discrimination puts many lives in danger, as in desperate moments where a surgery is urgent, a male relative might not be available to make the authorization. In addition to demeaning women by stripping away their right to save their children, and their family members.

- Article 153 of The Kuwaiti Criminal Law

Article 153 of Kuwait Criminal Law No. 16 of 1960 states:

'Any man who surprises his wife red-handed in the act of adultery, or surprises his daughter, or his mother, or his sister during sexual intercourse with a man, and kills her, or kills him (the sexual partner), or kills both of them, will be punished with up to three years of imprisonment, or a fine of three thousand rupees⁶, or both'.

According to the article, men in Kuwait who kill their wives, mothers, daughters, or sisters, when they have caught them red-handed during sexual intercourse, or killed their sexual partners, or killed them both, are treated as if they have committed a misdemeanor, rather than a felony.

This encourages men to kill female relatives in the name of honor and reputation. As Kuwait has a majority of tribal families (Bedouins) who still believe, that a woman who has brought shame to the tribe due to her relationship with a man outside wedlock, must be killed to restore the tribe's honor. Five murders took place in 2018 alone, where Kuwaiti males killed their daughters, sisters, and wives, then turned

⁵ The decision number is 2010/213/2

⁶ Old Kuwaiti currency, this amount equivalent to only 45 Kuwaiti Dinars today.

themselves in to the police. Knowing perfectly well that they will receive lenient sentences if any at all. As these tribes are very well connected, members of the tribe are spread in police stations around the country, and in the justice system. Through these connections men help each other get minimum punishment.

One incident took place late November 2018. The body of a twenty-Four-year-old woman was found in the desert⁷, early December 2018, the local newspapers announced. The body was severely beaten-up and tortured, the victim was choked to death with a plastic rope, and the veins were cut on both wrists, the news papers also reported the use of a hand saw on the victim. A few days after the papers announced finding the body, they announced that the victim's twenty-year-old brother turned himself in to the police, and admitted to killing his older sister due to a family dispute.

Although the perpetrator has remained in custody until the date of writing this paper, as the case is still being tried in the Kuwaiti courts. It is worth mentioning that no names of either the victim, or the perpetrator were published in any form of media⁸, this tactic is practiced in Kuwait so as not to bring more shame and unwanted attention to the family or the tribe. But it hurts women victims the most. Not mentioning the name of a victim helps people forget the crime faster, if a victim doesn't have a face or a name, neither the victim or the horror the victim went through is real in the minds of the people in the community. Names and faces make victims real, and the crime more powerful and horrendous.

In August 2018, a father turned himself to the police after choking his daughter to death. The victim was a thirty-year-old divorced woman, and mother to four small children. In this incident too, no mentions were made of the victim's name, or her killer father.

What is interesting about both the above cases is that in neither one, did the perpetrator find his sister/daughter red-handed during sexual intercourse with a man. However, both these men turn themselves in, and lean on article 153 for the leniency the article provides. Their defending lawyers will argue that the murderers knew something about the victim, that she was in a relationship, that he saw photos on her phone, heard rumors, read text messages, were tipped by a third party about the whereabouts of the victim. They paint a picture to the court that the murderer had good reasons to believe that his sister/daughter was guilty of this act, and thus he (the murderer) could not refrain himself for killing her. Although a defense like this may not get these

⁷ Desert area in Kuwait called 'Salmee', an uninhabited desert area.

⁸ Through my personal research, I found out the name of the victim: Ghalia Ali Eid Al Meedan Al Dhafeeri, and the name of the brother who murdered her is Hamad Ali Eid Al Meedan Al Dhafeeri.

criminals pardoned, but it can help mitigate the punishment. Especially when it is culturally believed that a man is excused for killing his female relative if she has marred her family's reputation.

In 2001, a Kuwaiti cop Khalid Nega Al Azmi, shot a famous Kuwaiti journalist Hidaya Al Sultan, in the street, in broad day light⁹. And after turning himself in, he confessed that he shot her because she wrote unfavorably about his tribe in an article, stating in the article that back in the olden days, girls from Al Azmi tribe would be brought to weddings to dance, insinuating that girls from this tribe were paid dancers, this is considered indecent in the Kuwaiti culture.

Instead of getting the death penalty, AL Azmi was sentenced for life, i.e. twenty five years. But he was released in May 2019, after nineteen years, due to the mammoth efforts made by his tribe to pay *Diya*¹⁰ to the victim's family and get him pardoned. The family of the victim finally accepted a Diya of ten Million Kuwaiti Dinars (thirty three million USD) in 2019. Upon which Al Azmi tribe went to great extent to collect the Diya, asking the Kuwaiti people to contribute for the sake of their son's release. Sadly many people did contribute, from inside and outside Kuwait, as these Bedouin tribes are scattered in all the Gulf countries.

The reason why the names were made public in this particular case, was that the victim was a very famous journalist, and a public figure to begin with. But also the crime took place in the street, with many witnesses around. The crime became the subject of public debate when it happened in 2001, with some condemning the act as a brutal act of violence with no connection to the perpetrators honor. And some, in support of Al Azmi, tried to portray the victim in a negative light, alleging that she encouraged young girls into prostitution, and that some of these young girls were members of Al Azmi tribe. However, no proof of these claims was made.

The Criminal was shown in a positive light by his tribe, a notion later adopted by many in the Kuwaiti community, that he was defending the honor of the women of his tribe. When he was released from prison, he was given a hero's welcome back into the community.

Kuwaiti women have been trying to amend article 153 of the Kuwaiti criminal code for the past fourteen years, without avail. A group of women activists named 'Abolish 153' have pressured parliament members to amend the article. However no positive steps have been taken to this date.

⁹ Erm News,

<https://www.ermnews.com/entertainment/legal-cases/1792159> [Arabic]

¹⁰ Diya: according to Islamic Law (Sharia), if one kills, the family of the victim can ask the perpetrator to pay them whatever sum of money they name, and in return the murderer can be pardoned.

- Article 182 of the Kuwaiti Criminal Law

Article 180 of the Kuwaiti criminal code states that:

'Anyone who kidnaps someone by force, or by the use of threat, or by tricking the victim, with the intention of killing them, hurting them, raping them, sexually assaulting them, or in order to force them into prostitution, or to extort them. Will be imprisoned for no more than fifteen years, and can be fined up to fifteen thousand rupees.'

Then Article 182 of the same law provides:

'If the abductor/kidnapper marries his victim, a legal recognized marriage, with the consent of her guardian, he will be exempt from punishment.'

Not only does Article 182 give the rapist 'a get out of jail free card' by marrying his rape victim, but nowhere does the article state the consent of the victim herself, all the article requires is the consent of her father, or her guardian.

In order for families to avoid shame and dishonor, they marry their daughters off to their offenders¹¹. Encouraging rapists to rape without any consequences.

- The Lack of Domestic Violence Laws and Absence of Women Shelters

Although the Kuwaiti criminal law criminalizes violence in general. Article 160 of the law states:

'Anyone who beats someone, or injures them, or causes them harm intentionally, will be imprisoned for up to two years, and fined up to two thousand rupees, or will be charged by one of these penalties.'

This article criminalizes violence in general, but there are no laws that condemn violence targeting women in Kuwait.

According to a study undertaken by Dr. Fatma Al Salem, and published by Al Qabas daily newspaper in Kuwait, in November 2018. Al Salem found that 53% of women in Kuwait experience violence from men inside their homes¹². In another study Al Salem found that only 25% of people believe that violence against women is an issue that needs attention. Putting corruption, health, education, and employment as more important issues to tackle.

While statistics published in a Kuwaiti daily newspaper provided that there were 368 cases of violence against women in the Kuwaiti courts in

¹¹ Selfscholar, *The Middle East "Rape-Marriage" Laws*, July 18th 2012, <https://selfscholar.wordpress.com/tag/-قانون-العقوبات-الكويتي/>

¹² Al Qabas news paper, November 24th 2018, <https://alqabas.com/article/607181-س-من-الكويتيات-معنفات-من-الرجل> [Arabic].

2018¹³, this number fluctuated slightly in previous years.

There are no laws in Kuwait that criminalize domestic violence. There are no hot lines where girls and women can call for help. And there are no shelters for violated, abused, and battered women.

Many women fear calling the police, or going to a police station to report violence, because they live with their abusers. The battered woman will have to continue living with her violent father, brother, husband, and sometimes her son. The victim fears that reporting her abuse will backfire and she will be subjected to more violence.

The culture is another problem, the male guardian is seen to have the right to discipline and use force with his daughter, sister, wife and even his mother. Therefore, in many cases where a woman seeks intervention from the police, she is advised to be a better daughter, sister, or wife. If a woman dares to report violence and abuse at a police station, the cops try to solve the issue by talking the victim into not reporting the incident, convincing the victim that maintaining the reputation of her family should be her number one priority¹⁴. Because of these issues, many incidents of violence against women go unreported.

There is an urgent need to build shelters for abused women in Kuwait. According to Kuwait daily newspaper Al Qabas, violated women are sleeping in their cars and in public parks¹⁵, the article published by AL Qabas on August 18th 2019, provides that the Kuwait government facilitated a building after much national and international pressure criticizing Kuwait's treatment of women, and its disregard to the UN international treaty The Convention of Elimination of all forms of Discrimination against women (CEDAW) of which Kuwait is a signatory member. However, this building remains empty and unstaffed to the day of writing this paper.

Women Resembling Men's Appearance are Criminals: Members of the LGBTQ community

Before 2007, article 198 of the Kuwaiti criminal code stated:

¹³ Al Qabas news paper, April 6th 2018, <https://alqabas.com/521306/> [Arabic].

¹⁴ In a talk given on International Women's Day, to discuss violence against women in Kuwait, a police sergeant Fatma Abulhasan admits to convincing abused and violated women not to press charges against their abusers. Al Anbaa Kuwaiti Daily Newspaper, March 16th 2018, <https://www.alanba.com.kw/ar/kuwait-news/818991/16-03-2018-بالفيديو-مشروع-قانون-لوقف-الإيذاء-والعنف-الأسري-ضد-03-2018-المرأة-إلى-مجلس-الأمة> [Arabic].

¹⁵ Al Qabas news paper, August 18th 2019, <https://alqabas.com/article/5699558-مركز-إيواء-المعتقات> [Arabic].

'Any person who commits an indecent act whether through a hand gesture, or an action, in a public place, and in view of other individuals, shall be subject to up to a year of imprisonment, and fined up to a thousand Kuwaiti Dinars, or shall be subject to one of these penalties.'

Then in 2007, the article was amended, and detail was added:

"Any person who commits an indecent act whether through a hand gesture, or an action, or imitates the appearance of the member of the opposite sex, in a public place, and in view of other individuals."

Thus in 2007 the arrests began, any women who appears like a man, i.e. very short hair, baggy sport clothing, no makeup, no jewelry. The police could arrest anyone they suspected to be homosexual.

This law also applies to men who appear to be feminine. But for the sake of this paper in which I concentrate on the restrictions put on women's freedom in Kuwait, I'll be focusing only on how the law affects women.

After speaking to five Kuwaiti women who identify as lesbians, I learned how difficult, and sometimes dangerous it is to move freely in the Kuwaiti society when a woman looks different or peculiar.

One woman told me that she was stopped several times by the police. She wears her hair very short, wears baggy sport clothes, doesn't wear any makeup or jewelry. One evening she was driving and was stopped by a cop; *show me your driver license*, he demanded. When she handed him her license, he looked at her suspiciously, *why do you look like Mohammed when your name is Dana?*¹⁶ He asked her with degradation and disgust. The woman being only twenty was so afraid of being taken to the police station and charged with article 198, stayed quiet, the cop proceeded to make comments on her looks and her body; *why don't you shave your arms? Why do you look like this? What's wrong with you?*

He then ordered her to exist her vehicle and get into the police car to be taken to the station. She abided, not wanting to make things worse for herself. She was kept in custody for a night. She begged them to release her, but they told her someone has to come bail her out for looking indecent. She couldn't ask her parents to help, as life was very hard for her in her family home as it is. Her parents have been violent towards her because of the way she dresses and behaves, as Islam and Kuwaiti traditions are against homosexuality. It was too late in the evening for any of her friends to come and help. Finally, in the morning a friend came and bailed her out.

Another woman told me, every time she needs to renew her passport, driver license or any ID, the photo she brings is rejected by the clerk, on grounds that in

¹⁶ Meaning you look like a man but you carry the name of a female.

the photo she looks too masculine. After some discussion, she is told to bring another photo in which she looks more feminine, or wear the *Hijab* (headscarf) to look more like a woman. Her response to the clerk is that this is what she looks like, she can't pretend to look different in her photo, especially with strict security measures at airports, the photo in the passport needs to resemble the passport holder in reality. The clerk then responds impatiently that it's not their problem, and that they won't renew the woman's document for her with a photo that isn't feminine enough for them.

Another woman was prohibited from entering a café, when she asked why, the café employee told her that they don't welcome lesbians and homosexuals. In another incident the same woman went to a café with a group of women, but she - out of all her friends - was told that there was a minimum charge if she wanted to dine there. When she asked why she was the only one who had to pay minimum charge to be there, she was told that this was the café's policy with lesbians.

Another woman who was sentenced to jail for one year because of article 198, migrated to the UK.

The above hardship that lesbian women endure in Kuwait, is in addition to the violence they encounter in their homes, as all Muslim families are opposed to having a homosexual member. And the abuse and violence they face in school, and the shame they carry due to their families disapprovals, and societies alienation and unacceptance of them.

- Family Law: Polygamy, Divorce, Custody of Children, and Inheritance

(1) Polygamy

The Kuwaiti family law is derived entirely from *Sharia Law*, i.e. Islamic Law, the source of Islamic law is the Quran and the Sunna (teachings of the prophet). Therefore, according to *Surat Al Nisaa, Aya* (3) from the Quran, a Muslim man is entitled to marry four women simultaneously.

The above-mentioned Quran verse states the following:

“If you fear that you might not treat the orphans justly, then marry women of your choice; two or three, or four. If you fear that you will not be able to treat them equally, then marry only one.”

There have been many different interpretations to this text; with some Muslim scholars saying that men can only marry several women if they are guardians to their orphan children. In the past when men died in wars, those who survived cared for their orphan children, and in doing so (according to the verse) may marry their widows, in order to be more fair to the orphans.

Others have said that this text does not apply to the modern way of living and should not be applicable. And some have said that it is impossible for a man to

treat two wives equally, let alone four, and therefore, since the verse requires treating all wives equally, a man should only marry one woman.

Despite all the above interpretations and contradicting views, a Kuwaiti man is entitled to marry two, three, or four wives if he wishes, and he can do this without the consent, or even the knowledge of his existing wife/wives. There is no legislative obligation upon the man to treat his wives equally.

A Muslim woman cannot practice polygamy. Being one of many wives can be emotionally and mentally harmful for a woman. If she suffers due to her husband's practice of polygamy, she may ask him for a divorce, if he refuses, she may seek the courts, however, in order for the court to grant her divorce she must prove that her husband is either physically abusive, or does not support her or her children from him financially.

(2) Divorce:

Article 126 of Kuwaiti Family Law No. 51/1984, States that if either party wishes to end the marriage (seek divorce) they must prove to the court that they have encountered harm from the other party.

What the article above states, means different things for the husband and wife. First of all a Muslim husband has the right to end the marriage by announcing to his wife that he has divorced her (without her consent), or by going to the court and having the divorce documented officially without his wife's knowledge or consent. The only time a husband will take advantage of Article 126, is when he wants to divorce his wife by proving that she has not performed her duties as a wife, and can - by the judge's ruling - deprive her from her divorce right to '*Eddah*'¹⁷ and '*Mahar*'¹⁸.

The wife in a Muslim marriage does not enjoy equal rights, she cannot divorce her husband on her own accord. The only way she can end her marriage, is to go to the court and prove to the judge, that she is being harmed. What constitutes harm in Kuwaiti court procedures is physical abuse, and not paying alimony. Therefore, in order for a Kuwait woman to get a judge to divorce her from her unwanted husband, she must prove to the court with the testimony of two male witnesses, or one male and two women¹⁹. That her

¹⁷ Amount of money a Muslim Husband pays his Muslim wife after divorce as compensation for her emotional suffering.

¹⁸ Dowry, which a Muslim man pays his bride after engagement, but before consummation of the marriage. The husband can ask for Dowry back if they divorce before consummation, on grounds that he was harmed by the marriage.

¹⁹ The Kuwaiti Family law is based on Islamic Law (Sharia) in which the only testimony accepted in the court is by two adult men, or one man and two women. The reason for this is derived from the Quran where women are

husband is physically abusive, and does not help with finances, i.e. does not help pay the rent, or childcare.

(3) Child Custody and Issuing Official Documents:

In terms of custody, according to article 191 of Kuwaiti family law, the custody of the children goes to the mother²⁰, unless she remarries, if this happens the mother loses custody of her children. This is another form of discrimination, as a father who has custody of his children does not lose custody if he remarries. The argument is, that a mother who remarries loses custody of her children as a way to protect the children's welfare, as the stepfather might be unkind, or abusive towards the child. However, the same argument can apply to the stepmother.

According to this law a Kuwaiti divorced mother is punished for remarrying by removing the custody of her children from her. This fact discourages a lot of divorced mothers from re-marrying.

Another issue divorced Kuwaiti women face in regards to their children in Kuwait, is issuing their children's documents. A divorced mother cannot renew her child's passport or civil ID unless she obtains a permit from the court. The legal procedure to obtain a court's permit is long and costly, as in many cases women need to hire a lawyer if they happen to live abroad for study or work purposes, or if they lack the legal knowledge.

Not allowing mothers to issue or renew their children's documents, unless with the court's permission, despite the fact that the children are in their mother's custody, implies that mothers don't have real guardianship over their young children, and that mothers are trusted only for the day-to-day care of the child such as feeding, dressing bathing and schooling.

Restricting the issuing and renewal of the child's official documents as the sole right of the father causes many complications, especially when the father (ex-husband) refuses to cooperate, or

portrayed as forgetful and unreliable witnesses, the Quran Aya 282 from Surat Al Baqarah: *"And bring to witness two witnesses from among your men. And if there are not two men [available], then a man and two women from those whom you accept as witnesses - so that if one of the women errs, then the other can remind her.."*

²⁰ A distinction must be made between marriages that are based on Shia law, or Sunni Law. According to the Shia law, the custody goes to the mother from birth until the children reach a certain age (puberty for boys, and nine years old for girls) upon which they are asked by the court with whom they wish to live. According to Sunni law the custody goes to the mother from birth until the boy reaches puberty, and until the girl marries, therefore the girl's custody is never really passed on from the mother. However, with both laws, the mother loses custody of her children if she remarries.

communicate with the mother, or is living abroad, or is no longer living.

- Divorced Kuwaiti Women and the Issue of Accommodation

There is no written legislation, however, Kuwaiti divorced women have reported a lot of complications and difficulty in finding places to live after their divorce.

Culturally, a Kuwaiti woman is expected to move back into her family's home after her divorce. However, as Kuwaiti women begin to move away from cultural expectation, and begin to insist on finding independence, and autonomy. In addition to the fact that some might not have a family homes to move back into, or are not welcomed back into the family home as many in Kuwait still see divorce as shameful. For any of these reasons Kuwaiti divorced women seek homes of their own, but are met with refusal from land lords.

Buying property is extremely expensive in Kuwait, and is the reason behind a bigger housing problem (which is not the focus of this paper). Therefore many women resort to renting an apartment, but many landlords reject divorced women as tenants on grounds that divorced women are bad women, who may bring strange men into their homes, and therefore, bring shame and disgrace to the building, or tenants of the building.

This happened to me personally, as I tried to rent an apartment after my divorce in Kuwait, I was refused numerous times by land lords on grounds that I'm a divorced, single mother.

This is not a written legislation, nowhere in any Kuwait law or decree does it state that land lords cannot accommodate single women, it is merely a cultural restriction, and a cultural form of discrimination against women. This discrimination is harmful, and alienating for divorced women. A photo of a woman named Nora Al Shammeri went viral on social media, after she stood in a public place on March 14th 2018 holding a hand written sign that read "Don't come near me or you'll be blown up too, No land-lord will accommodate me and my children, in Kuwait if you're a divorced women, you're a whore".

Nora was taken to the police station for violating public safety, and causing fear and chaos due to her sign threatening to bomb and blow-up people. But when an interview with her was published on social media, she explained why she behaved that way: 'I was fed up, everywhere I went searching for an apartment to rent, I was refused by land-lords! Where can I go? I have four children, and I can't pay high rent, there are specific areas, and a small number of buildings where I can afford the rent, and the places I can afford refused me and my children, because I'm divorced! A divorced woman in Kuwait is seen as a whore, and is looked down on by everyone in her society Nora concluded.

(4) Inheritance

Again, because family law is derived wholly from Sharia Law, which in turn is derived from the Quran and Sunna, Muslim women inherit half of what men do. This is in accordance to *Surat Al Nisaa, Aya* (11) from the Quran which states the following:

“Allah thus commands you concerning your children; the share of the male is like that of two females.”

The percentage, upon which a woman inherits, differs according to her relationship with the deceased, i.e. whether she is his mother, his grandmother, his wife, his sister, or his aunt. However, I am only concerned here with the children of the deceased; when the deceased leaves male and female children, his/her male child is entitled to inherit double what his/her female child is entitled to. The justification for this is the belief that men are the main breadwinners in their families and thus should inherit more.

Although this justification no longer holds in today's world, where many women are the breadwinners in their families, the practice of unequal inheritance continues in Kuwait.

- Unequal pay

Even when men and women do the same kind of work, carry the same qualifications, and years of experience, men are still viewed as the breadwinners in the family, and therefore, earn more for jobs that women do just as affectively. As soon as a male employee marries, he is entitled to housing benefit from the 'Authority of Housing Welfare', this monthly added benefit to his original wage is meant to cover his rent (or assist towards covering rent), the amount of which varies according to occupation. Kuwaiti women are not entitled to this benefit.

Kuwaiti employers in the public and private sector pay employees from both genders a social benefit. However, as soon as the male employee marries, this social benefit rises and is called 'marriage benefit' which female - employees doing the same work - are not entitled to, on the basis that men are the main breadwinners in their families.

As soon as the married male employee has children, he is provided with a fixed monthly payment of 75 KD (the equivalent of 246 USD) for every child he has. This means that every married Kuwaiti employee earns child support for every child he has, and will have in the future, until the child is an adult and earning their own wage. In addition to receiving extra income for rent/accommodation, and a raise just for being married. All of which Kuwaiti women are not entitled to, even though in some cases women are the main breadwinners in their families, whether they are married (with unemployed partners), single mothers, or single women taking care of their families (parents and siblings).

This discrimination hits divorced mothers the hardest, as these women are the main breadwinners in their families, they pay rent, and usually are the main carers of their children, yet they are not paid child support, the child support paid to their ex-husbands is not transferred to them, and they are not entitled to housing benefits.

Some argue that a divorced woman is already getting paid child support from her ex-husband, and if she hasn't gone through the court procedures to demand child support, she should, especially that child support will include rent.

It is true that a Kuwaiti divorced mother can go to court and demand alimony. However, the alimony the judge orders the father to pay the mother on a monthly basis, depends wholly on the financial capability of the ex-husband, if he was poor or unemployed the mother gets nothing. It is only fair that since she is the only carer for the children, and raising them after the divorce, that the monthly 75 KD child support the father is eligible for, and housing benefit, should go to her.

The justification made as to why women don't earn extra income for housing, is that most unmarried women in Kuwait live in their family homes (with their parents) as the culture requires a woman to live with her family until she marries. And a lot of divorced women with no children move back with their parents after their divorce. However, this isn't always the case; more women are moving out of their family homes due to abuse, violence, or need of independence, and many divorced women choose independence, and thus should not be discriminated against.

- Kuwaiti Women Married to Non-Kuwaiti Men

According to Article 2 of the Kuwaiti Nationality Law No. 15/1959

'A Kuwaiti national, is whoever was born inside, or outside Kuwait, to a Kuwaiti father.'

The article is very clear, a Kuwaiti father passes his citizenship to his children whether they were born inside or outside Kuwait. However, a Kuwaiti mother cannot pass on her citizenship to her children if they were born to a non-Kuwaiti man.

The discrimination doesn't end there. Say a Kuwaiti woman married a man from Egypt, bore her children in Kuwait, and lived with her husband and children in Kuwait their whole lives, with Kuwait being the only homeland her children know. They - her children - are not entitled to go to free public schools, or attend the only free public university in Kuwait (Kuwait University), or work in the public sector, or start a business, and if their Kuwaiti mother owns any property, they are not entitled to inherit her after her death.

While a Kuwaiti man passes his Kuwaiti citizenship to his children no matter what nationality his wife (the

mother of his children) holds, he can also pass on citizenship to his foreign wife, which is another privilege a Kuwaiti woman does not enjoy.

This discrimination is one of the biggest issues Kuwaiti women married to non-Kuwaiti men face in Kuwait today, many efforts have been made to pressure the parliament into changing the Nationality Law and give Kuwaiti women the right to pass their nationality to their children and their husbands, but to no avail. The Kuwaiti government argues that children born to foreign men hold their father's nationality/citizenship and therefore are the responsibility of their father's homeland. In addition to this, the Kuwaiti government believes that it cannot accommodate the expense these children born to foreign men will add to the state's budget. Another popular belief is that there are a lot of financial benefits to being a Kuwaiti citizen, therefore these foreign men are only marrying these Kuwaiti women for these benefits, and by marrying non-Kuwaitis and producing these children, Kuwaiti women are weakening the Kuwaiti social structure.

These racist claims alienate, and shame Kuwaiti women who marry non-Kuwaiti men, and alienate their children who know no other homeland other than Kuwait. Also, these racist arguments never target Kuwaiti men married to non-Kuwaiti women, or their children.

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