



The National Association of Familial Security “Rawasi”

**The Report of the National Association of Familial Security "Rawasi"
Parallel to the Report of Kuwait Submitted to the Commission on the Elimination of
Discrimination against Women**

CEDAW 2015

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Introduction

“Rawasi” Association is a non-profit organization aimed at maintaining familial security in the Kuwaiti society by defending the rights of individuals socially and legislatively, and it strives to promote these rights by seeking to introduce legislations and laws that realize this goal. The Association diligently strives to activate and implement the civil legislations and laws of the country that ensure the realization of familial security for all members of the families in the State of Kuwait.

Through this report, the Association urges the competent authorities to make a number of amendments to the laws and procedures currently in force in accordance with the Articles of the Constitution of Kuwaiti and the Convention on the Elimination of all Forms of Unfair Discrimination against Women.

This report has been prepared according to the following criteria:

- The Articles of Kuwaiti Constitution that do not contain any gender discrimination.
- The recommendations approved by the Government of Kuwait in its third and fourth reports submitted to the Committee on the Elimination of all Forms of Discrimination against Women.
- The violations that result from acts of discrimination against women that are reported to the Association.
- The recommendations of symposiums, meetings and studies conducted by the Association.

Some of the most important issues that still have a negative impact on women until the writing of this report are the following:

First: Nationality

Second: the Children of Kuwaiti Women Married to Non-Kuwaiti Spouses

Third: Housing

Fourth: the Participation of Women in Public Life and Decision-making

First: Nationality

Although the Kuwaiti Constitution has no gender discrimination with respect to citizenship (Article 29 of the Constitution), the Nationality Law No. 15 of 1959, which is currently in force, states that (Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself), which is a statement in apparent paradox with the Constitution, and with Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, as Kuwaiti women do not have the right to transfer their nationality to their children on equal footing with Kuwaiti men.

Under the current law, nationality is granted to Kuwaiti children from Kuwaiti mothers married to non-Kuwaiti spouses upon permission granted by a decision made by the Minister of Interior, which is given only in special cases, such as: (death of spouse, and irrevocable divorce). However, this law is considered arbitrary as it may lead to the break-up of the family due to the condition of divorce; and even in the event of death of the spouse, many cases have shown governmental procrastination in processing nationality applications whose applicants suffer from the length of the waiting duration for obtaining the nationality.

In contrast, pursuant to Article (3) of the Law, Kuwaiti women have the right to grant their nationality to their newly born babies if the father was unknown or has not been recognized in the birth certificate; however, granting the nationality in this case is also subject to the discretion of the Minister of Interior.

It is worth noting here that the Nationality Law currently in force (15/1959) was promulgated before the issuance of the Kuwaiti Constitution on November 11th, 1962, and this means, according to the judgements of some constitutional experts, that the Constitution annuls its provisions, and accordingly the conflicting law should be amended pursuant to the Articles of the Constitution.

Recommendations:

1. Empowering Kuwaiti women to transfer their nationality to their children without any restrictions or conditions.
2. Empowering Kuwaiti women to grant their nationality to their non-Kuwaiti spouses on equal footing with Kuwaiti men.
3. The need to harmonize legislations and laws with the Convention on the Elimination of all Forms of Unfair Discrimination against Women.

Second: the Children of Kuwaiti Women Married to Non-Kuwaiti Spouses

- Although these children are from Kuwaiti mothers, they do not enjoy any benefits similarly to the rest of the aliens residing temporarily in the country; Kuwaiti mothers are the legal custodians of their children from birth until they graduate from school provided they do not exercise any work or marry (girls); otherwise, the custody will be repealed. Children of Kuwaiti mothers are obliged to find corporations or other agencies to employ them in order to maintain their residence permit in Kuwait.
- Children of Kuwaiti women married to non-Kuwaiti spouses do not enjoy the right to inherit their mothers' houses (If they had property) upon the death of the mothers, and they are forced to sell the house within a year of the date of the mother's death.
- Children of Kuwaiti mothers married to non-Kuwaiti spouses do not have the right to employment on equal terms with children of Kuwaiti fathers despite the fact that the government has spent a lot of money on their education from school university level; the government even outsources labour from overseas with high salaries without making efforts to benefit from the recruitment of the children of Kuwaiti women in the labour market although they have educational and vocational competence.
- The salaries of children of Kuwaiti women married to non-Kuwaiti spouses are low compared to the salaries of their Kuwaiti peers, and they earn even less than their peers from the nationals of the countries of the Gulf Cooperation Council (GCC), who are born to non-Kuwaiti parents; their salaries are also lower than the salaries of the outsourced labour from overseas who are residing in Kuwait on a temporary basis.
- Children of Kuwaiti women are not entitled to obtain higher studies scholarships on equal footing with the children of Kuwaiti men, and even if they had an outstanding academic excellence that would entitle them to obtain such grants, it will not be taken into account.

Recommendations:

1. Children of Kuwaiti women shall be granted the Kuwaiti Nationality on equal footing with the children of Kuwaiti men without the need to apply the law of residence on them and in compliance with familial security.
2. Children of Kuwaiti women shall have the right to inheritance of their mothers' moveable and immovable assets pursuant to Articles 288, 289 of the Kuwaiti Personal Status Law No. 51 of 1984, which state the terms of inheritance.
3. Children of Kuwaiti women shall be employed through the Civil Service Commission to make use of their academic and practical expertise.

4. Children of Kuwaiti women shall have equal salaries to their Kuwaiti peers in accordance with the principle of awarding remuneration on the basis of work efforts rather than the nationality of the workers.
5. Children of Kuwaiti women shall be empowered to receive higher studies scholarships on equal footing with the children of Kuwaiti men.

Third: Housing

- Despite the provisions of Paragraph (F) of Article (2) of the Convention on the Elimination of All Forms of Discrimination against Women, Law No. 47 of 1993 concerning the Housing Care had provided for some Articles that discriminate against women; this Law was followed by the promulgation of Law No. 2 of 2011, which included some detailed amendments of some of the Articles provided in the Law, particularly Article (28) concerning the Social Status of Kuwaiti Women; however, none of the two Laws grants Kuwaiti women any justice or equality with respect to the value of housing loans, as the housing loan granted to women is much less than the housing loan granted to Kuwaiti men; the value of Kuwaiti men's loans reaches 100,000KWDs whereas the value of Kuwaiti women's loans reaches 70,000 KWDs, and both are granted as loans to be repaid to the State's treasury.
- According to some studies conducted in this regard, it has been shown that the loan's value offered to women is less than the amount provided for in the Law despite the limited value of the amount of the money granted.
- Kuwaiti men have the right to apply for obtaining a construction land besides the loan, while Kuwaiti women are deprived of this right.

Recommendations:

1. Kuwaiti women shall be empowered to obtain a housing loan equal to the loan received by Kuwaiti men without any conditions.
2. Kuwaiti women shall be granted the right to apply for obtaining a construction land on equal footing with Kuwaiti men.
3. Implementing the provisions and conditions of Housing Care Law on both sexes without any discrimination.

Fourth: the Participation of Women in Public Life and Decision-making

- Paragraph (b) of Article (7) of the Convention on the Elimination of All Forms of Discrimination against Women, has provided for taking all measures to eliminate discrimination against women, and for women's participation in the formulation and implementation of government policy. Women as citizens have the right to hold public offices at all levels of government; however, Kuwaiti women's participation in leadership positions is low as this participation has not exceeded the appointment of one or two women ministers since granting women their political rights, and until the writing of this report there has never been more than one minister in the executive authority.
- As for the National Assembly of Kuwait, there is no women representation in the current session of Kuwaiti parliament, whose seats are mainly dominated by men; accordingly, the Parliamentary Commission on Women and Families, which is composed of five members, is controlled by men only.
- Despite the participation of Kuwaiti women in the support of the judiciary duties as investigators representing public prosecution and as lawyers representing the Department of Fatwa and Legislation, they have not been appointed in positions in the judiciary. In 2014, 22 women were accepted for the position of Attorney General in the Department of Public Prosecutions, but their involvement has been temporarily suspended on request by the Supreme Judicial Council for the need to evaluate women's performance within a year to ensure their capacity to assume the post of prosecutor, which constitutes a clear discrimination against women, as performance evaluation should be a criterion that applies to both women and men, even if it was temporary.
- There is a decline in women's participation in the boards of non-profit organizations, NGOs, whose number is about 114, and the same is true for syndicates whose number reaches 71 and unions which are about 46.

Recommendations:

1. Urging the government to implement the Quota System (called Positive Discrimination as an interim mechanism), with view of expanding the participation of women in decision-making at all levels:
 - a) Membership of the Cabinet.
 - b) Membership of Parliament.
 - c) Membership of the boards of directors of non-profit organizations, syndicates and unions.
2. Competent women shall be appointed as Judges, and all discriminatory resolutions against them shall be repealed to empower women to become prosecutors.