



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Refugee Documentation Centre

Country Marriage Pack

Kuwait

Disclaimer

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

1. Types of Marriage

Civil marriage

The *Kuwait Government Online* states of Court Marriage (Marriage Contract):

“This service allows Kuwaiti and Non-Kuwaiti applicants to conclude a marriage contract at court” (Kuwait Government Online (undated) *Court Marriage (Marriage Contract)*)

Religious marriage

The *Social Institutions and Gender Index* states:

“Under the Personal Status Act (1984), family matters are governed by Sharia law and handled within the state-run Sharia court system in which the testimony of a man equals that of two women. Sunni and Shiite Muslims have recourse to courts that adhere to their respective schools of Islam. For the most part, marriage continues to be an arrangement between families, although marriages cannot be concluded without the consent of both spouses.[22]According to Sunni family law, women cannot freely choose their husbands; they must obtain prior approval from their families or guardians. This is not the case for Shiite women, who can marry without their guardian’s consent once they have reached the age of maturity (25).The law forbids marriage between Muslim women and non-Muslim men. Sexual relations outside of marriage are illegal for women and men.” (Social Institutions and Gender Index (2014) *Gender Equality and Social Institutions in Kuwait*)

A report by the *United States Department of State* states:

“Women have many political rights, including the right to vote and serve in parliament and the cabinet, but they do not enjoy the same rights as men under family law, labor law, property law, inheritance law, or in the judicial system. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Sharia, as implemented in the country, discriminates against women in judicial proceedings, freedom of movement, marriage, child custody, and inheritance.” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Kuwait*)

This report also states:

“The law prohibits marriage between Muslim women and non-Muslim men. The law does not require a non-Muslim woman to convert to Islam to marry a Muslim man, but many non-Muslim women faced strong economic and societal pressure to convert. In the event of a divorce, the law grants the father custody of children of non-Muslim women who fail to convert. A non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen and cannot inherit her husband's property unless specified as a beneficiary in his will.” (Ibid)

Muslim proxy marriage

Information on Muslim proxy marriage in Kuwait was not found in sources consulted by the Refugee Documentation Centre.

Traditional marriage/other

Information on traditional marriage in Kuwait was not found in sources consulted by the Refugee Documentation Centre.

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

The *Social Institutions and Gender Index* states:

“Under the Personal Status Act (1984), the legal age of marriage in Kuwait is 15 years for women and 17 years for men. However, according to the U.S. Department of State, girls continue to marry below the legal age in some tribal groups, and Kuwaiti Government data show that the bride was under the age of 15 in the case of 51 marriage contracts concluded in 2011. In terms of early marriage, the figures indicate that 55 of girls ages 15-19 were married, divorced or widowed” (Social Institutions and Gender Index (2014) *Gender Equality and Social Institutions in Kuwait*)

A report by the *United States Department of State* states:

“Citizenship derives entirely from the father; children born to citizen mothers and nonnational fathers do not inherit Kuwaiti citizenship unless the mother is divorced or widowed from the nonnational father. The government designates religion on birth and marriage certificates.” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Kuwait*)

This report also states:

“The legal marriage age is 17 for men and 15 for women, but girls continued to marry at a younger age in some tribal groups. The Ministry of Justice estimated underage marriages constituted 2 to 3 percent of all marriages in 2013.” (Ibid)

A report by the *UN Human Rights Council* states:

“Kuwait was determined to provide a decent life for illegal residents, through various legislation and procedures. The Central Agency for Regularization of the Status of Illegal Residents had been established by Amiri Decree No. 467/201. Ministerial Decision No. 409/2011 concerning the provision of facilities and services for illegal residents provided for their access to medical treatment, education, the issuance of official documents, such as birth and death certificates, marriage and divorce certificates, succession certificates, passports, driving licences, ration cards and employment.” (UN Human Rights Council (13 April 2015) *Report of the Working Group on the Universal Periodic Review: Kuwait, A/HRC/29/17*)

A report by *Amnesty International* quotes Nawaf al-Bader, secretary of the Bidun Committee of the Kuwait society for Human rights, as follows:

“Some of my friends and family can’t get a birth, marriage or divorce certificate; others are not allowed to work in the public sector or to own property; others still are not allowed a university education.” (Amnesty International (16 September 2013) *Kuwait: The 'Withouts' of Kuwait: Nationality for stateless Bidun now*, MDE 17/001/2013)

A report by the *United States Department of State* states:

“The government discriminated against bidoon in some areas. Some bidoon and international NGOs reported that the government did not uniformly implement a 2011 decree approving provision of some government services and subsidies, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates, to bidoon.” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Kuwait*)

This report also states:

“The Ministry of Justice issued 1,439 marriage and divorce certificates to bidoon in the first nine months of the year” (Ibid)

A report by *Human Rights Watch* states:

“Among the most discriminatory provisions in the Personal Status Law No.51 of 1984 are those regarding contracting marriage. Under the law, a woman is never free to make a marriage decision on her own. Unlike a man, she is not free to conclude her marriage contract but must have a male guardian (wali) do so on her behalf regardless of her age. A woman between 15 and 25 years of age may be prohibited by her guardian from marrying, and while she may appeal to the courts she still cannot marry if the court rules against her. In addition, the minimum age for registering a marriage is fifteen for women, and 17 for men in contravention with international standards that recommend a minimum age of marriage at 18. Witnesses to the marriage must be Muslim men for the marriage to be valid. In addition, a man may legally have up to four wives simultaneously, without the permission or even the

knowledge of his first wife/wives.” (Human Rights Watch (June 2014) *Human Rights Watch UPR Submission: Kuwait*, pp. 1-2)

A webpage on *Kuwait Government Online* states under the heading ‘Required Documents’:

“Civil ID or nationality certificate for Kuwaiti applicants
Civil ID or passport for resident applicants
Letter from the Executive Committee and the personal identification for illegal resident applicants
Determination of heirs for widow applicants
Letter from the Public Institution for Social Security, if the husband is student, a dealer, a retired, or unemployed
Determination of heirs, if the guardian is deceased
Divorce certification for the divorcee
Special power of attorney
Marriage permit from the employer, if the husband is a military man” (Kuwait Government Online (undated) *Court Marriage (Marriage Contract)*)

The *Embassy of the United States Kuwait City* states:

“Non-Muslims who would like to marry in Kuwait in a civil marriage ceremony may:

1. Visit the ACS Notary Services page for information and requirements for notary appointments. [...]

2. After reviewing the information on the notary services main page, if you still wish to proceed, complete the attached ‘Free To Marry’ (PDF 45 KB) affidavit form. This form must be notarized by the Consul at the U.S. Embassy (do not sign the affidavit until you appear in front of a Consular Officer). Do not make any changes to the format of the document. There is a non-refundable fee of \$50 (or KD equivalent) for each document notarized by the Embassy.

Note: When two U.S. citizens wish to marry, both are required to complete separate ‘Free to Marry’ affidavits. Foreign nationals must contact his/her respective Embassy to seek similar assistance.

3. The Authentication Office at the Ministry of Foreign Affairs of the State of Kuwait must then authenticate the ‘Free to Marry’ affidavit. The Ministry of Foreign Affairs is in Shuwaikh next to the Kuwait News Agency. The office is open from: 7:30 A.M. to 12 P.M., telephone: 2243-0541.

4. The ‘Free to Marry’ affidavit must be translated into Arabic. The Embassy cannot translate documents, but can provide a list of translators.

5. Take the ‘Free to Marry’ affidavit with the Arabic translation to the Office of the Public Notary in the Ministers Complex for the marriage ceremony. Address: Murgab area, Ministries complex, ground floor, Block no. 15, room 25, telephone: 2248-6444. The office is open on Sundays and Wednesdays from 7:00 A.M. to 12:00 noon. Two male witnesses are required. Make sure that the witnesses carry either their passports or valid identifications (someone with a Kuwait civil ID is preferable) with them. Take photocopies of the identifications for all parties involved.” (Embassy of the United States Kuwait City (undated) *Marriage in Kuwait*)

3. Divorce

The *Social Institutions and Gender Index* states:

“In the event of divorce, Article 189 of the Personal Status Act gives mothers the right to physical custody of young children. Under Sunni family law, mothers are given custody of sons until they reach the age of 15 years and of daughters until they marry. But under Shiite family law, women are only granted custody of girls up until the age of seven, and boys to the age of two. Under Article 199, a father is legally obliged to provide financial support to a mother with custody of his child until the boy concerned reaches the age of seven or the girl concerned reaches the age of nine, but there are no penalties in place in the event that he fails to do so. Divorced women who choose to remarry during this period lose their custody rights. In addition, fathers gain custody of children of non-Muslim women who choose not to convert. (Social Institutions and Gender Index (2014) *Gender Equality and Social Institutions in Kuwait*)

This report also states:

“Men have the right to repudiate their wives, i.e. divorce them unilaterally. Women in Kuwait have the right to seek a divorce under certain circumstances, e.g. if the husband has been imprisoned or has deserted her (Article 136 of the Personal Status Act), or if she has been so injured by her husband’s words or deeds “as to be unable to continue associating among their mutual peers” (Article 126 of the Personal Status Act). In the latter case (domestic violence), reportedly, a woman must prove the injury before a court with witnesses. In cases where a husband has divorced his wife unilaterally, she is entitled to financial compensation. Moreover, the Sharia practice of khula is practiced in Kuwait, according to which a woman can divorce her husband relatively quickly by relinquishing to her husband’s assets. In Kuwait, which has the highest total divorce rate among the countries of the Gulf Cooperation Council, divorce and remarriage have become easier and carry less of a social stigma than in past decades. ” (Ibid)

4. Marriage between Non Nationals and Nationals

A report by the *United States Department of State* states:

“The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in police or the military to obtain government approval to marry nonnationals. Nevertheless, the government offered only nonbinding advice on such matters and did not prevent any such marriages. According to an official, the Ministry of Foreign Affairs prohibited the country's diplomats from marrying noncitizens without the diplomat being asked to resign.” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Kuwait*)

A report by the *United States Congressional Research Service* states:

“Kuwaiti women who marry non-Kuwaiti men cannot give their spouses or children Kuwaiti citizenship.” (United States Congressional Research Service (19 February 2016) *Kuwait: Governance, Security, and U.S. Policy*)

A report by *Human Rights Watch* states:

“Kuwait’s nationality law denies Kuwaiti women married to non-Kuwaiti men the right to pass their nationality on to their children and spouses, a right Kuwaiti men married to foreign spouses have. Foreign husbands of Kuwaiti women have no legal right to remain in the country without a residency permit. Such permits are granted only to

non-Kuwaiti men who are employed. In contrast, foreign women married to Kuwaiti men are granted residency automatically and qualify for citizenship after ten years of marriage.” (Human Rights Watch (June 2014) *Human Rights Watch UPR Submission: Kuwait*, p. 1)

Marriage between Two Non Nationals

Information on marriage between two non-nationals in Kuwait was not found in sources consulted by the Refugee Documentation Centre within time constraints.

References

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