

# Women, Law and Gender Inequality

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## Introduction

Despite the recent developments and efforts towards women empowerment in Qatar, there is still a long way to go. Ghada Al-Darwish, a Qatari lawyer, stated: “The Qatari laws have made provisions protecting the rights of individuals, irrespective of their gender.” However, she adds, “there is no specific provision in the Qatar Penal Code particularly aimed at criminalizing gender-based violence” (Al-Darwish, 2020). Article 57 of the Qatar Family Law, whilst listing the rights of the wife against her husband, also states “refraining from hurting her physically and morally” without explaining the consequences in case the husband could not restrain himself from hurting her. Al-Darwish further adds that “taking this provision as an attempt by the law to protect women from violence would seem like a very little attempt.”

In fact, comparing the right of the wife against her husband with the right of the husband against his wife (article 57 and 58 respectively), reveals structural biases against women that are rooted in the society's culture and traditions. Article 57, for example, says that husband should give his wife the right “to exchange amicable visits with her parents and relatives” which automatically implies that he has the right to prevent her from visiting her friends or participating in community activities should she choose to do so. Further, while article 57 makes the husband the legal provider to his wife who also has no right to intervene “in her private property”, this comes at a big cost for the wife because she has, as per article 58 from the same law, to “take care and obey him”, “to look after his property”, to “look after the household”, and to “take care of his Children.” This division of labour that the wife's main task is to look after her husband, children, and house, while the husband's job is to “provide for the family” maintains the structure of oppression against women. While the roots of oppression against women are anchored in the society's culture and traditions, legalizing the subjugation of women to the men in the state's law make it extremely difficult to change the traditions.

The current Qatari Family Law does not sufficiently protect women from gender-based violence. To conceptualize gender-based violence, I would like to start by defining the term ‘violence.’ Herrenkohl explains that different fields of study such as sociology, criminology, psychology, social work, public health, and biology each have their own, sometimes incompatible, and narrow definitions of violence based on their respective fields (Herrenkohl, 2011). Johan Galtung states that violence as a “conflict is much more than what meets the naked eye as ‘trouble’” (Galtung, 1996, p. viii). He explains that violence can be direct, structural, or cultural and these categories can be divided as either visible or invisible violence (Galtung, 1996). For example, in Qatar, women need a guardian's approval to either work, travel, or get married. This restriction severely limits women's autonomy and codifies patriarchal customs as law. Both structural and cultural violence lead to direct violence and enable the perpetrator as well as the society to justify this violence. Galtung explains this link as “violence frozen into structures, and the culture that legitimizes violence” (Galtung, 1996, p. viii). An example of how cultural violence is legitimized is by giving men privileges and power over their female counterparts as stated earlier.

At present, there are some laws that protect women from sexual violence though their applicability is questionable. In the Qatar Legal Portal, Al-Meezan, Article 279 of the Qatar Penal Code states, “whoever copulates with a female without her consent whether coercively under duress or by ruse shall be sentenced to death” (Al-Meezan, 2004). Article 280 of the Qatar Penal Code states, “whoever copulates with a female without compulsion duress or ruse knowing that she is of diminished capacity or under sixteen years of age shall be punished with life imprisonment” (Al-Meezan, 2004). These laws, however, are not enough when it comes to protecting women for that violence against women is multifaceted and anchored in other laws.

## Women and Unequal Citizenship

If citizenship is defined to be the legal relationship between the individual and the state, then currently in Qatar, only males enjoy a direct relationship with the state (Joseph, 2000). Women's rights, even if granted by the state, can only be actualized by a male family member such as a husband or father. Through this, women are effectively placed directly under the control of their male relatives. One example of this is that Qatari women require male guardian's approval when they travel abroad until the age of 24. While a married woman above the age of 25 does not need approval, her husband can petition to prohibit his wife from traveling. If the wife travels despite her husband's explicit disapproval, she is deemed disobedient and loses entitlement to her husband's financial support (UN, 2018, p. 13).

This indirect relationship of Qatari women with the state is further observed in the attainment of citizenship. Al-Darwish states, "With regards to conferring nationality on non-Qatari spouses or the children of a Qatari women married to a non-Qatari, the law does not provide for such rights" (Al-Darwish, 2020). This is not the case with the children of Qatari men with non-Qatari spouses who are granted Qatari citizenship upon birth. Qatari men who married non-Qatari women can also grant their wives Qatari citizenship after ten years of marriage, whereas Qatari women are unable to provide the same to their non-Qatari husband (Tok et al, 2016). This effectively means that the State will not grant the children of Qatari women access to health, economic, and educational services or acknowledge these children as citizens of the state. Some of the challenges that the children of Qatari women face when compared to children of Qatari men are limited job opportunities, and unequal work compensation as they are not recognized as citizens of the state (Tok et al, 2016). The children of Qatari mothers face difficulties in social acceptance, identity crisis, and rigid laws in terms of inheritance (Tok et al, 2016). The number of Qatari women marrying a non-Qatari has increased in the past years; consequentially, so too have the number of children who are left at a disadvantage due to the nationality of their fathers.

## Women and Unequal Laws

Joseph explains that since family laws are justified in the name of tradition, they not only become codified and hard to dispute, but also incorporate traditions' patrilineality. Inheritance laws, for example, follow a patrilineal line and according to tradition inheritance is passed mainly through the male bloodline and provides less for women than for men. A female, for example, receive half of what the sons receive, and if the daughter is an only child, the grandparents inherit with her, or it depends on his will. However, while the state justifies the inheritance law in the name of tradition, it is not understood why state's property is given only to men when they get married but not to women.

Divorce is disproportionately made harder for women than on men. Personal status laws regarding guardianship in Qatar undermine women's rights to make decisions about marriage, travel, work, and education by placing the final decision in these matters in the hands of their husbands or fathers. The law states that women can only marry after her male guardianship approval. Women's right to education can also be hindered by their husband. Article 55 of the personal status law, for example, emphasizes the importance of education but still grants the husband the power to stop his wife from pursuing higher education if he chooses to. The husband is also able to prohibit his wife from working if he feels that it interferes with her housekeeping responsibilities a wife.

## Conclusion

This article shows that women are not equal to men legally and structurally. Despite the seeming equal provisions of the Constitution of Qatar, there is no law criminalizing gender-based violence. Criminal, personal status, and family laws should treat both genders equally, or else gender based discrimination in Qatar will continue. Personal status laws are also gender discriminatory as women are reduced to the status of second-class citizens based on the patriarchal restrictions imposed on them. Finally, although societal expectations expect women to be the caretaker, they do not protect her in terms of re-marriage or custody. The inconsistency of these regulations need to be addressed to formulate laws that, firstly, do not discriminate against women in all aspects of life, and secondly, protect her from all forms of violence.

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