Regional Programme Gulf States

KONRAD ADENAUER STIFTUNG

Policy Report No. 55 – December 2021

Invisible Intersections

Disability and Gender in Kuwait

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When first asked to write this brief, I admit I was a little overwhelmed. Because where does one even begin? For most of my life, I have in fact shied away from openly using the term 'disability' to describe the impact of albinism on my day-to-day reality and decision-making. In part, that choice stemmed from an internalized ableism that posited that my visual impairment and heightened vulnerability to skin cancer are not disabling enough. But perhaps more importantly, I have always been attuned to the stigma that the term can elicit in the form of assumptions of incompetence and helplessness.

Only recently, in my mid-twenties and after several years studying abroad, have I arrived at an awkward embrace of the term. As a social science researcher and development professional committed to social justice in Kuwait, I should ideally be comfortable charting the intersections of my own life as a disabled Indian woman in this country. Instead, it feels like navigating a black hole. The intersection of disability and gender is woefully under-studied in the context of Kuwait. Discourse on disability does not yet figure into the work of mainstream women's rights activism here. It is also unclear the extent to which disability rights organizations, many of which are actively pushing for improved accessibility, adopt a gender lens in their work. Most local media and cultural representations of persons with disabilities are either negative or infantilizing as described by Alenaizi and Alshammari. Beyond occasional media spotlight on Paralympians, designated parking spots, and the occasional wheelchair accessible public restroom, persons with disabilities are mostly invisible in the public sphere.

Writing this is thus both painful and disorienting. It is a subject immediately relevant to my sense of where I fit into this world as well as one for which, in the context of Kuwait, there are few guardrails to hold on to. In this article I attempt to briefly outline the context within which the intersection of disability and gender in Kuwait can be understood. While cultural and sociopolitical challenges to inclusion and equity are shared with the rest of the GCC and the Arab region, I refrain from speaking beyond the context with which I am most familiar. It is most certainly not a subject I tackle at an impersonal, analytical distance.

Disability rights in Kuwait

Kuwait acceded to the Convention on the Rights of Persons with Disabilities in 2013. Within its domestic law, Law 8/2010 provides the overarching framework within which the Kuwaiti state interacts with and seeks to protect the rights of disabled individuals. The law, whose implementation is vested primarily in the Public Authority for Disability Affairs (PADA) provides a host of educational, financial, health and other support to disabled Kuwaiti nationals including children of Kuwaiti mothers. The country's national development plan, New Kuwait 2035, also incorporates goals on the greater inclusion of persons with disabilities within its human capital pillar.

Yet, as the UN's Special Rapporteur on the Rights of Persons with Disabilities notes in her most recent report on Kuwait, there are gaps both in this legal framework and its implementation that must be addressed. For one, neither the constitution nor Law no 8/2010 explicitly prohibit discrimination on the basis of disability. Kuwait's interpretation of the term "disability" is primarily medical and not based on a human-rights approach. This means that persons with disabilities are viewed as patients in need of care and not autonomous individuals able to manage their own lives and actively participate in the wider community. This narrow conceptualization of disability is evident in how social protections and subsidies for Kuwaitis with disabilities disincentivize rather than encourage them to pursue educational and employment opportunities. To illustrate, during a stakeholder engagement exercise on education accessibility I conducted in early 2021, an informant living with blindness remarked upon resistance to using white canes amongst some sections of the blind community. "They say why should we use canes

when the government provides us funds to hire a driver?" (I should note that Kuwait is notoriously unwalkable in any case). A public education system that segregates disabled learners from their peers and is unequipped to incorporate them in mainstream classrooms further validates the invisibility of disabled individuals in wider society. Benefits and pensions disbursed to caregivers rather than to persons with disabilities themselves diminish the latter's control over their own lives.

In a society where women must already tackle the resistance of patriarchal and conservative tradition, ill-designed legal provisions such as these can hardly be expected to promote the participation of disabled women. Indeed, the UN Special Rapporteur acknowledges reports of women and girls with disabilities facing additional barriers to making independent choices about their education and marriage.

Furthermore, if what is measured gets managed, then Kuwait certainly has a long way to go. Besides the administrative data collected by PADA, Kuwait does not collect comprehensive census data on disability amongst the country's population, let alone a breakdown by sex or nationality. Correspondingly there is no official data to gage how gender-based violence, a central issue for many women's rights activists in the country, affects individuals with disabilities.

Who gets to claim disability?

The bulk of rights and protections guaranteed under Law 8/2010 do not apply to the country' s non-citizen and stateless residents, who comprise roughly two-thirds of the country's population. As I write this, I understand it to be yet another reason why disability has always been at the periphery of my work in Kuwait's civic spaces, work that is otherwise motivated primarily by my lived experiences as a de facto immigrant to the country. Disability was never a label I could usefully claim. For example, Law 8/2010 stipulates that private, public and oil sector employers with over 50 Kuwaiti staff must ensure at least 4 percent of them are citizens with disabilities. This quota is poorly enforced, yet someone like me, i.e. an Indian national with a disability, is unprotected by the law even in spirit. I still recall how casually, in a "it's-no big -deal" manner, I disclosed my irreparable eyesight to my current employer and how awkwardly we both moved past the point.

Importantly, even if a legal prohibition on discrimination did exist, it would be of little use on its own to non-citizen residents. From a now-revoked ban on work permits for foreign nationals over the age of 60 without college degrees to populist (if far-fetched) proposals to deport migrants who attempt suicide or are mentally unwell, non-citizen residents must constantly demonstrate that they are fit to work. Within a rentier sociopolitical society built upon the kafala system, there is no room for migrant domestic workers, doctors, clerks and professors to be "disabled."

The result is that non-citizen's women with disabilities are even more invisible than their Kuwaiti counterparts. To the state in whose jurisdiction, I was born and raised, I am primarily an "expat" or "migrant worker." My womanhood is merely counted. My disability (best left) unacknowledged.

This is not to say that claiming disability is easy for citizen women. With respect to social protections and financial support offered by the state, yes, relatively speaking. But perhaps there is more shared ground in our exclusion and invisibility in the social and political spheres. Shahd Alshammari, one of few Kuwaiti and Gulf scholars in the disability studies field, approaches her work with a lens that is both distinctly intersectional and personal. Drawing on her lived experiences as a Kuwaiti Bedouin woman with Multiple Sclerosis, she observes:

> a Kuwaiti tribe will share the same asl with a Saudi tribe, and by theory of kinship… One individual's reputation and honor affect the collective, and vice versa. There have been numerous occasions where I have tried to 'come out' with my MS, and instead, faced reprimanding from my family. My action of claiming my identity as an MS patient, my speaking about it, was considered selfish, because I was not supposed to shame the family. The burden was mine to carry silently and deal with as invisibly as possible (Alshammari, 2018: 45).

Alshammari's experience is uniquely her own. And yet her description of the sociocultural compulsion to hide away disability and illness is one I, someone from an entirely different cultural background, can easily relate to. Understanding disability in Kuwait, as elsewhere, is thus not as simple as squaring it off against categories of class, gender, race, and nationality within a neat hierarchical matrix. It requires an honest investigation of how localized constructions – in states, institutions, and homes – of these categories shape the experiences opportunities and challenges of individuals deemed to have strayed from the able-bodied male default.

Looking ahead

The question, for those of us committed to social justice, is where to begin. A cursory investigation of the intersection of gender and disability, as attempted here, illustrates the magnitude of the challenge that lies ahead. The identification of detailed policy recommendations is beyond the scope of this article. But, given the dearth of data and research, the most obvious place to start would be to listen to women with disabilities themselves, center their/our voices. Ultimately, whether those advocating for gender equity in Kuwait can truly represent, make space for, and empower women with disabilities will be a crucial test of the sincerity of our feminist politics and ethos.

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References

Shahd Alshammari, “On Being Woman, Other and Disabled: Navigating Identity,” Word of Text Vol 8, 2018. p 45.

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