

The Consequence of Being Perceived as An 'Immodest Woman': The Kuwaiti Criminal Justice System's Response to Allegations of Sexual Violence

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Abstract : Kuwaiti criminal justice system's responses to allegations of sexual violence against women during the pre-trial process, suggesting that the system in Kuwait is affected by an ethos that is male dominated and patriarchal, and which results in prejudicial, unfair, and unequal treatment of female victims of serious sexual offenses. Data derived from qualitative semi-structured face-to-face interviews with four main groups of criminal justice system personnel in Kuwait (prosecutors, police investigators, police officers, and investigators) reveal the characteristics of a complaint of sexual violence that contribute to cases being either sent to court or dismissed. This proposed paper will suggest that Arab cultural views of women appear to influence and even shape the views, perceptions, and conduct of the interviewed Kuwaiti criminal justice system personnel regarding complaints of sexual violence made by citizens. Data from the interviews show how the image of the 'modest woman' that exists within Arabic cultural views and norms greatly contributes to shaping the characteristics of what the majority of the interviewed officials considered to be a 'credible' allegation of sexual violence. In addition, it is clear that the interviewees' definitions of 'modesty' varied. Yet the problem is not only about the stereotypical perceptions of complainants or the consequences of those perceptions on the decision to send the case to court. These perceptions also affected the behaviours of criminal justice system personnel towards citizen complainants. When complainants' allegations were questioned, investigators went as far as abusing the women verbally or physically, often in order to force them to withdraw the so-called 'false' complaint in order to protect the 'real' victim: the 'innocent defendant'. The proposed presentation will discuss these police approaches to women and the techniques used in assessing the credibility of their accusations, including how they differ depending on whether the complainant was under or over 21 years old.

Keywords : criminal justice system, law and Arab culture, modest woman, sexual violence

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