

**UPR: Kuwait**  
**Canadian HIV/AIDS Legal Network**  
**United Nations Human Rights Council, Geneva. 23<sup>rd</sup> September 2010**

Presented by Rowland Jide Macaulay

Mr. President, distinguished members of the delegation,

We wish to address recommendations 80 paragraph 19, issues of serious concern raised in the Working Group report on Kuwait. This provision calls for the elimination of discrimination against lesbian, gay, bisexual and transgender persons, in particular a consideration to decriminalize same-sex relations between consenting adults, with a view to ensuring the rights to privacy and non-discrimination.

We urge Kuwait to give serious consideration to this recommendation. Criminalization of consensual same-sex conduct constitutes a violation of established international human rights law and a major blow to public health.

We note that Kuwait also maintains criminal prohibitions against dressing as a member of the opposite sex, and we are disappointed that Kuwait did not accept these recommendations.

Just last Friday, in a high-level panel held in conjunction with the current session of the Human Rights Council, UN Secretary General Ban Ki-moon delivered a statement, saying:

*“Laws criminalizing people on grounds of sexual orientation and gender identity violate the principle of non-discrimination. They also fuel violence, help to legitimize homophobia and contribute to a climate of hate.”*

These concerns have also been raised by the UN Human Rights Committee, which has noted that laws criminalizing homosexuality “run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention” by driving marginalized communities underground, a finding supported by UNAIDS and other key actors in the fight against the HIV/AIDS pandemic.

We urge the government of Kuwait to reconsider this recommendation and:

- Eliminate, in law and practice, all forms of discrimination against lesbian, gay, bisexual and transgender persons;
- Decriminalize same-sex activity between consenting adults;
- Repeal provisions which criminalise dressing as a member of the opposite sex.

Thank you Mr. President.