



Joint Stakeholder Submission to the UN HumanRights Council's 4th Universal Periodic Review – Kuwait

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This joint stakeholder's submission is submitted by Cairo 52 Legal Research Institute (Cairo 52) and White Tent in the framework of the 4th Universal Periodic Review of Kuwait.

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A. Introduction:

This joint submission delineates discriminatory policies and practices against transgender individuals, particularly those experiencing gender identity disorder who seek to undergo gender-affirming healthcare to transition to the gender opposite to that assigned at birth in Kuwait. Such policies and practices obstruct the full enjoyment of fundamental human rights, which are protected by both the Kuwaiti Constitution and the international human rights treaties to which Kuwait is a signatory. The information presented in this submission is derived from data, legal and policy analysis, and research conducted by the Cairo 52 Legal Research Institute (Cairo 52) with the support of White Tent.

B. Background and prior relevant UPR recommendations:

1. Kuwait underwent its third UPR cycle in January 2020, 302 recommendations, with Kuwait supporting 230 of them.
2. Kuwait received five recommendations aimed at protecting the fundamental human rights of individuals based on their transgender identity. These recommendations specifically called for actions to eliminate discrimination, ensure equality in accordance with international law and the constitution, abolish criminalization, guarantee access to gender-affirming healthcare, and ensure equal treatment in the judicial system for all individuals, including those who are transgender. Kuwait noted (rejected) these recommendations, this response highlights a lack of political will among the Kuwaiti authorities to uphold the fundamental human rights enshrined in their constitution and to fulfil their obligations under international human rights treaties to which Kuwait is a signatory.
3. In response to recommendations advocating for the amendment of restrictive laws governing freedom of expression, Kuwait asserted that its legislation aligns with the International Covenant on Civil and Political Rights and is thus not in need of modification. Although the Kuwaiti authorities endorsed certain recommendations aimed at enhancing fundamental human rights for all citizens, including transgender individuals, the implementation of these recommendations was limited and did not result in an overall improvement in the fundamental human rights situation for all citizens. Notably, the authorities predominantly excluded transgender individuals from this implementation.
4. The following table presents several recommendations made during the third cycle that are relevant to this submission. These recommendations were either fully supported, supported with notes, or outright noted (rejected) by the State of Kuwait. However, they have not been fully implemented due to the

authorities' failure to extend them to all Kuwaiti citizens, including transgender individuals:

<i>Theme: Right to health</i>	<i>Status of support by Kuwait</i>	<i>Status of implementation</i>
<p>157.188 Continue to increase public access to quality medical services (Cambodia).</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Supported	Not fully implemented, transgender communities continue to be deprived of their right to gender-affirming healthcare.
<p>157.190 Continue consolidating measures to improve the legislation on the right to health that guarantees universal access to health-care services (Dominican Republic).</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Supported	Not fully implemented. There exists a significant deficiency in education, practical training, and adequate resources to guarantee that transgender communities can fully access their right to gender-affirming healthcare.
<i>Theme: Equality & non-discrimination on the Basis of Gender Identity</i>	<i>Status of support by Kuwait</i>	<i>Status of implementation</i>
<p>157.94 Guarantee personal autonomy and individual rights, as enshrined in the Constitution, by prohibiting discrimination based on sexual orientation or gender identity, as well as by allowing a medical gender to change to be reflected in a person's identity documents (Netherlands).</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Noted	Not implemented. Transgender individuals continue to experience discrimination from law enforcement officials, medical professionals, and the broader community.

<p>157.86 Ensure equality between all citizens, both in law and in practice, regardless of gender, gender identity or sexual orientation (Australia)</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Noted	Not implemented. Transgender individuals continue to face discrimination from law enforcement officials, medical professionals, and the broader community.
<p>157.93 Continue to implement legislative measures for the promotion of gender equality and non-discrimination (Nepal)</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Supported	Not fully implemented, transgender individuals continue to face active discrimination from both state and non-state actors, particularly in accessing health services, employment, housing, and when seeking justice or protection from harmful practices.
Theme: Gender and sexual-based violence	Status of support by Kuwait	Status of implementation
<p>157.63 Abolish the provisions set out in articles 153 and 197 of the Criminal Code and create effective and independent complaint mechanisms for reporting sexual and domestic violence (Germany),</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Supported/Not ed	The laws have not been abolished, and transgender people are amongst the affected persons under these laws.
<p>157.136 Take all necessary measures to prevent, combat and penalize domestic and gender-based violence, including sexual violence and marital rape (Argentina),</p> <p>Source of Position: A/HRC/44/17/Add.1</p>	Supported	Kuwait has not implemented any measures to protect transgender individuals from domestic violence and abuse.

157.122 Enact legislation to prevent and combat domestic and gender-based violence (Ukraine); Source of Position: A/HRC/44/17/Add.1	Supported/Not ed	Kuwait has not implemented any measures to protect and support transgender individuals, and the existing policies do not address the needs of this population.
Theme: Implementation of International Human Rights Instruments	Status of support by Kuwait	Status of implementation
157.18 Further strengthen efforts to ensure the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (Indonesia) Source of Position: A/HRC/44/17/Add.1	Supported	Kuwait has not fully implemented the Convention due to its failure to extend the fundamental human rights protected by the Convention to transgender individuals.

C. Rule of Law, Due Process Right and Criminalization:

5. State of Kuwait has effectively enacted a de facto criminalization of transgender individuals through Article 198 of the Penal Code, which was promulgated in 2007. This statutory provision stipulates that any person who engages in lewd conduct or gestures in a public space, or who presents in a manner that is representative of the opposite sex, shall be liable to a term of imprisonment not exceeding one year and/or a pecuniary penalty not exceeding 1,000 Kuwaiti Dinars (approximately \$3,000).¹

6. Since its enactment, this statute has been utilized to arbitrarily infringe upon fundamental constitutional rights, notably the right to personal liberty as enshrined in Article 30 of the Kuwaiti Constitution, as well as the State's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).² The lack of clarity in the statute regarding the term "imitating the opposite sex" has resulted in arbitrary arrests and prosecutions of transgender individuals within the jurisdiction. A pertinent case in point is that of Maha al-Mutairi, a transgender woman who has encountered multiple arrests since 2019³. She was ultimately sentenced to a term of imprisonment for two years and imposed a monetary fine of 1,000 Kuwaiti Dinars (USD 3,315) for "misusing telephone communication" by "imitating the opposite sex"

¹ Cairo 52. 2024. Kuwait. <https://cairo52.com/countries/kuwait/>.

² Younes, Rasha. 2020. Kuwaiti Transgender Woman's Video Sparks Worldwide Solidarity. Human Rights Watch.

<https://www.hrw.org/news/2020/06/10/kuwaiti-transgender-womans-video-sparks-worldwide-solidarity>.

³ Human Rights Network for Journalists - Uganda. 2020. "How a Kuwaiti transgender woman's viral video sparked international solidarity (Demo)." <https://hrnjuganda.org/?p=6236>.

online, in contravention of Article 70 of the Telecommunications Law and Article 198 of the Penal Code. Furthermore, she was previously subjected to a seven-month detention in a male facility, which did not acknowledge her gender identity.⁴

7. During her incarceration, Ms. al-Mutairi, similar to other transgender individuals arrested and detained in Kuwait, suffered mistreatment, including placement in a male facility that failed to recognize her gender identity. Numerous human rights reports have documented incidents of abuse constituting torture, which include physical, verbal, and psychological maltreatment inflicted by Kuwaiti authorities during arrest, detention, and prosecution.⁵ Such actions are in violation of Article 31 of the Kuwaiti Constitution and contravene the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

8. Criticism of Article 198 was duly substantiated when the Supreme Constitutional Court of Kuwait annulled the article on the grounds of its infringement upon Article 30 (right to personal liberty) and Article 32 (which mandates that crime and punishment shall be regulated by law, and that no criminal sanction shall be imposed based on ex post facto legislation) of the Constitution.⁶

9. The Court notably opined that the expansive application of the article, its ambiguous language, and the absence of unequivocal definitions regarding what constitutes a criminal offense had conferred upon law enforcement entities unconstitutional authority to interpret the law at their discretion. The ruling could have potentially benefitted transgender individuals; however, the Court's failure to assess whether the act of imitating the opposite sex is safeguarded by law permitted the continued targeting of transgender individuals under alternative legal provisions.⁷

10. In July 2023, the Ministry of Interior promulgated a general directive directing investigative officers to invoke various legal provisions pertaining to public immorality, as opposed to the nullified Article 198, when apprehending individuals for the alleged act of "imitating" the opposite sex.⁸ Prior to the issuance of this directive, it appears that such practices had been perpetuated by the Ministry of Interior, as evidenced by their declaration of the deportation of 3,000 individuals on the grounds of homosexuality, transgender identity, or "cross-dressing" as part of a purported "security campaign" in December 2022. Foreign nationals arrested under morality and vice statutes or suspected of affiliation with the LGBTQ+ community are systematically deported and prohibited from re-entry into Kuwait, even in the absence of a conviction, as mere suspicion of belonging to an immoral group suffices for such measures.⁹

⁴ Human Rights Watch. 2021. "Kuwait: Quash Conviction Against Transgender Woman." <https://www.hrw.org/news/2021/10/14/kuwait-quash-conviction-against-transgender-woman>.

⁵ Wille, Belkis. 2013. Being Transgender in Kuwait: "My Biggest Fear Is a Flat Tire". Human Rights Watch. <https://www.hrw.org/news/2013/07/15/being-transgender-kuwait-my-biggest-fear-flat-tire>.

⁶ Noralla, Nora. 2023. Transgender Discrimination Continues in Kuwait, Despite a Court Ruling. DAWN. <https://dawnmena.org/transgender-discrimination-continues-in-kuwait-despite-a-court-ruling/>.

⁷ Ibid

⁸ Alajmi, Fawwaz. 2024. Steps Forward After the Abolition of Article 198 in Kuwait. Cairo 52. <https://cairo52.com/2024/07/11/steps-forward-after-the-abolition-of-article-198-in-kuwait/>.

⁹ Human Dignity Trust. 2024. Country Profile: Kuwait. <https://www.humandignitytrust.org/country-profile/kuwait/>.

11. Furthermore, in September, the General Department of Criminal Investigation, through the Department for the Protection of Public Morals, apprehended several individuals on charges of engaging in acts contrary to public morals and incitement to debauchery and immorality in Mahboula, Salmiya, Hawalli, and Farwaniya. These individuals were subsequently referred to the appropriate judicial authorities for further legal proceedings. While the exact number of arrests remains uncertain, local news outlets have reported figures ranging from 31 to 71 individuals, likely to be prosecuted under the public immorality statutes in accordance with the directive of the Ministry of Interior.¹⁰

12. In conjunction with these executive actions, during the year 2022 and continuing until the suspension of Parliament by Emir Meshaal Al-Ahmed in May 2024, various legislative proposals were initiated to establish definitive legal criteria for actions classified as "imitating the opposite sex," thereby affirming the constitutionality of provisions that penalize transgender individuals. One such proposed amendment articulates that "imitating the opposite sex" shall be construed as follows: "Any male who presents himself adorned in attire traditionally associated with women or employs cosmetic products in a manner that results in his appearance as a female; any female who dons attire customarily identified with men in a manner that allows for her depiction as a male, pursuant to the prevailing customs of the jurisdiction; and any individual who engages in surgical procedures, medical interventions, or the use of pharmacological substances for the purpose of modifying their physical appearance to resemble that of the opposite sex."¹¹

¹⁰ Ibid

¹¹ Noralla, Nora. 2023. Transgender Discrimination Continues in Kuwait, Despite a Court Ruling. DAWN. <https://dawnmena.org/transgender-discrimination-continues-in-kuwait-despite-a-court-ruling/>.

D. The Right to Health and Protection from Abusive Practices:

13. The right to health is a fundamental human right that is protected by the Kuwaiti Constitution under Article 15 and by treaties to which Kuwait is a party, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Moreover, both treaties have been interpreted as protections against harmful practices such as conversion therapy and honor killing. The Kuwaiti Constitution itself also contains several articles, including Article 29 and its preamble, which protect the human dignity of all citizens, which can be interpreted to imply protection against harmful practices enacted against them.

14. Despite Kuwait's obligations to ensure the right to healthcare for all citizens, it has failed to provide transgender individuals with adequate access to life-saving healthcare appropriate to their needs. Gender-affirming healthcare refers to a series of medical interventions that transgender people need to undergo as a means to mitigate the impact of struggles associated with gender identity disorder. Kuwaiti authorities have not only limited access to these life-saving medical treatments but have also imposed professional and criminal penalties on healthcare providers who may assist transgender individuals in accessing necessary medical treatment.¹²

15. In the year 2020, the legislative body enacted Law No. 70 of 2020 pertaining to the Practice of the Medical Profession and Its Auxiliary Professions, as well as the Rights of Patients and Health Facilities. Article 19 of said law expressly prohibits the execution of all operations, surgical procedures, and medical interventions that could result in a change of a person's gender; however, it permits such interventions solely for the purpose of gender correction. Such procedures may be conducted exclusively in government hospitals under the jurisdiction of the Ministry.¹³ The term "gender correction" is typically understood to encompass medical treatments necessitated for assigning a binary sex to intersex individuals, which is permissible under the law. Conversely, "gender change" is generally used to describe medical treatment for transgender persons, a practice that is prohibited for healthcare providers under this legislation.¹⁴

16. The provisions of the law are influenced by socio-religious beliefs, which often conflate transgender individuals with those categorized under the LGBTQ+ umbrella, erroneously labelling them as sexually deviant. Consequently, transgender persons are frequently regarded as sinners who should be denied access to gender-affirming healthcare services. Alternative viewpoints suggest that transgender individuals are affected by mental health disorders and should pursue counselling rather than

¹² Noralla, Nora. 2024. "The MENA Trans Archives Series: Understanding Modern Fiqh on Intersex and Transgender People in the Middle East and North Africa Region." Cairo 52. <https://cairo52.com/2024/04/17/the-mena-trans-archives-series-understanding-modern-fiqh-on-intersex-and-transgender-people-in-the-middle-east-and-north-africa-region/>.

¹³ Cairo 52. 2024. Kuwait. <https://cairo52.com/countries/kuwait/>.

¹⁴ Noralla, Nora. 2024. "The MENA Trans Archives Series: Understanding Modern Fiqh on Intersex and Transgender People in the Middle East and North Africa Region." Cairo 52. <https://cairo52.com/2024/04/17/the-mena-trans-archives-series-understanding-modern-fiqh-on-intersex-and-transgender-people-in-the-middle-east-and-north-africa-region/>.

gender-affirming healthcare as a means to achieve societal acceptance.¹⁵ These antiquated socio-religious beliefs have been contested by certain religious scholars in Kuwait, who recognize gender identity disorder as a legitimate rationale for pursuing gender-affirming healthcare and advocate for its provision. Furthermore, such outdated beliefs are inconsistent with the World Health Organization's classification, which, in 2019, reclassified trans-related diagnoses, transferring them from the section on "Mental and Behavioural Disorders" to a newly established chapter titled "Conditions Related to Sexual Health" in the ICD-11, introducing the term "Gender Incongruence."¹⁶

17. Despite these facts, harmful "medical" practices against transgender individuals are prevalent in Kuwait, particularly the practice of conversion therapy, which has been deemed a form of torture by United Nations bodies such as the Independent Expert on Sexual Orientation and Gender Identity. Kuwaiti media often features "experts" on conversion therapy who promote it as a solution for "sexual deviance" to concerned Kuwaiti parents, urging them to refer their children to therapists and psychiatrists for such interventions.¹⁷

18. In 2023, Kuwait hosted the Islamic Organization for Medical Sciences conference, which focused on sexually transmitted diseases (STDs). The conference gathered 200 researchers from across the Muslim world. While the primary objective should have been research and treatment related to STDs, another significant focus was the denunciation of "sexual deviant behaviour that contributes to the spread of these diseases"¹⁸. The Kuwaiti Minister of Health, Dr. Ahmed Al-Oudi, stated, "There are a group of viruses that require international action to confront them, including those transmitted through various immoral and abnormal sexual deviant practices.... We are witnessing the resurgence of many old diseases such as HIV due to those sexual deviant practices."¹⁹ The conference included sessions on conversion therapy employing purported modern medical methods intertwined with traditional practices rooted in Islamic tradition.²⁰

19. Furthermore, in 2019, the authorities enacted Law No. 14 of the Year 2019 concerning the Treatment of Individuals with Mental Illness. This law, in Articles 10, 11, 12, 14, among others, grants broad powers to medical and judicial authorities, along with family members and guardians, to forcibly place individuals with mental illness into institutions against their will, contingent upon a determination of necessity and an inability to make decisions independently.²¹ However, these broad powers can be easily abused in cases involving transgender individuals, who, as previously noted, are often regarded as individuals with mental illness in urgent need of conversion

¹⁵ المجلس (@X), ALMAJLIS, "هل اضطراب الهوية الجنسية «كالناغم أو البويه» يعتبر مرضاً نفسياً؟ وهل له علاج؟"، 2019، <https://x.com/Almajliss/status/1160795037443252224?t=3TIYq5yE6zGem1QugXme5A&s=08>

¹⁶ World Health Organization. 2024. Gender incongruence and transgender health in the ICD.

<https://www.who.int/standards/classifications/frequently-asked-questions/gender-incongruence-and-transgender-health-in-the-icd>.

¹⁷ المجلس (@X), ALMAJLIS, "هل اضطراب الهوية الجنسية «كالناغم أو البويه» يعتبر مرضاً نفسياً؟ وهل له علاج؟"، 2019، <https://x.com/Almajliss/status/1160795037443252224?t=3TIYq5yE6zGem1QugXme5A&s=08>

¹⁸ الاتحاد العالمي لعلماء المسلمين. 2023. "الكويت: بمشاركة 300 باحث من 20 دولة.. مؤتمر دولي يستنهض العلماء لمواجهة الانحرافات الجنسية والشذوذ.

<https://iumsonline.org/ar/ContentDetails.aspx?ID=27726#>

¹⁹ Ibid

²⁰ Ibid

²¹ المحامي مسفر عايض. 2019. "قانون رقم 14 لسنة 2019 في شأن الصحة النفسية." <https://mesferlaw.com/archives/9131>

therapy; family members may seek to confine them to mental institutions for such treatment.²²

20. This approach is frequently employed to protect the family's reputation, resulting in the coercion of transgender relatives into conversion therapy. Transgender individuals admitted to such institutions experience unjustified detention as their families refuse to accept them, and there are no alternative shelters available to accommodate them. Conversion therapy intersects directly with honour killings, as apparent in the case of Hajar Al-Assi, a transgender masculine individual murdered by his brother, who was compelled to undergo conversion therapy by his family prior to their decision to pursue an honour killing to preserve the family's honour.²³

21. Article 153 of the Kuwaiti Penal Code states that a man who kills a female relative caught in the act of adultery is punishable by a maximum sentence of three years' imprisonment or a fine of up to 225 Kuwaiti Dinars. It has long been criticized for its discriminatory nature and lenient stance on so-called "honour killings." While primarily viewed as a tool of oppression against women, recent cases have demonstrated its devastating impact on other marginalized groups, including transgender individuals. One notable and tragic case is that of Hajar Al Assi Al Ajmi, a transgender man who was murdered by his brother while he slept. The brother used a rifle to commit the crime, and despite the premeditated nature of the act, he was sentenced to only ten years in prison under Article 153. This case underscores the alarming application of the law beyond its already problematic intent, reflecting a broader climate of impunity for violence against transgender people in Kuwait.²⁴

22. Consequently, the State of Kuwait is failing to ensure the right to healthcare and protection from harmful practices toward transgender individuals. Such rights are affirmed through General Comment No. 22 (2016) on the right to sexual and reproductive health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), which stipulates that transgender people have the right to access healthcare with full respect, and that authorities have a duty to provide such rights without discrimination.²⁵ Additionally, General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights, concerning the right to life, stipulates that the duty to protect the right to life for individuals, including transgender people, necessitates that State parties undertake special protective measures for

²² أرشيف فوشيا. 2019. قضية هاجر العاصي تعود للأضواء بعد مرور 16 يومًا على مقتلها! فوشيا. <https://www.foochia.com/archive/406353>

²³ Ibid

²⁴ فريق التحرير. 2021. الحكم "المخفف" على قاتل هاجر العاصي يثير غضب الناشطين والمغردين في الكويت. ألترا صوت. <https://www.ultrasawt.com/%D8%A7%D9%84%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D9%85%D8%AE%D9%81%D9%81-%D8%B9%D9%84%D9%89-%D9%82%D8%A7%D8%AA%D9%84-%D9%87%D8%A7%D8%AC%D8%B1-%D8%A7%D9%84%D8%B9%D8%A7%D8%B5%D9%8A-%D9%8A%D8%AB%D9%8A%D8%B1-%D8%BA%D8%B6%D8%A8-%D8%A7%D9%8>

²⁵ Economic and Social Council. 2016. General comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights). United Nations. <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Szab0oXTdlmnsJZZVQfQejF41Tob4CvIjeTiAP6sGFQktiae1vlbbOAekmaOwDOWsUe7N8TLm%2BP3HJPzXjHySkUoHMavD%2Fpyfcp3YlZg>.

persons in vulnerable situations whose lives have been placed at particular risk due to specific threats or pre-existing patterns of violence.²⁶

²⁶ Human Rights Committee. 2018. "General comment No. 36 on article 6 of the International." OHCHR. https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/GCArticle6/GCArticle6_EN.pdf .

E. The Right to Legal Gender Recognition:

23. Legal gender recognition is a process through which a transgender person seeks to obtain a change in legal documents to reflect their civil status entries, aligning with the medical interventions they have undergone to affirm their gender identity. Such rights have been largely understood by the legal community to be protected under provisions of the right to privacy as enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, among other international human rights instruments.²⁷

24. The procedure for amending civil status entries in Kuwait is within the purview of the judicial branch. Individuals wishing to initiate this process must submit a petition to the Kuwaiti judiciary. Historically, the Kuwaiti judiciary has established legal principles that preclude transgender individuals from obtaining legal gender recognition, justifying their stance on interpretations of Islamic Sharia, which, according to their narrative, does not validate the medical necessity for transgender individuals to undergo transition, instead advocating for conversion therapy. Consequently, as the medical transition is deemed invalid, legal gender recognition remains unattainable under their interpretation²⁸.

25. As a result, transgender individuals are compelled to exist in a state of legal ambiguity despite having undergone comprehensive transition through gender-affirming healthcare. The dissonance between their gender identity and legal documentation places them at an elevated risk of vulnerability, rendering them more susceptible to social and state discrimination and violence, which may encompass denial of services, arbitrary detention, and enforced isolation driven by a persistent fear of exposure to violence and discrimination.²⁹ This situation undermines their capacity to enjoy the fundamental human rights that should be guaranteed by both the Kuwaiti Constitution and the international human rights treaties to which Kuwait is a signatory.

²⁷ Independent Expert on sexual orientation and gender identity. 2018. Report on Legal Recognition of Gender Identity and Depathologization. OHCHR. <https://www.ohchr.org/en/calls-for-input/report-legal-recognition-gender-identity-and-depathologization>

²⁸ Noralla, Nora. 2022. Confused Judiciary & Transgender Rights: Inside the MENA Region's Case Law on Legal Gender Recognition. Manara Magazine. <https://manaramagazine.org/2022/03/confused-judiciary-transgender-rights-inside-the-mena-regions-case-law-on-legal-gender-recognition/>.

²⁹ Wille, Belkis. 2013. Being Transgender in Kuwait: "My Biggest Fear Is a Flat Tire". Human Rights Watch. <https://www.hrw.org/news/2013/07/15/being-transgender-kuwait-my-biggest-fear-flat-tire>

F. Recommendations:

26. In light of the aforementioned findings, Cairo 52 and White Tent urge the States participating in the UPR process to make the following recommendations to Kuwait:

1. The Kuwaiti government must uphold the rule of law and due process rights for transgender individuals by establishing independent mechanisms to oversee judicial and police actions concerning the arrest, detention, and investigation of transgender individuals.
2. The Kuwaiti government must discontinue the arbitrary targeting of transgender individuals and adhere to the rulings of the Supreme Constitutional Court, refraining from circumventing these through the enforcement of other immorality statutes against transgender persons.
3. The Kuwaiti government must ensure that foreign nationals have access to fair trials and transparent administrative processes to challenge their deportation orders predicated on immorality charges.
4. The Kuwaiti government must amend Law No. 70 of 2020 Regarding the Practice of the Medical Profession & Its Auxiliary Professions & the Rights of Patients & Health Facilities to facilitate access to life-saving healthcare for transgender individuals through certified medical committees, rather than restricting such healthcare solely to intersex individuals.
5. The Kuwaiti government must safeguard transgender individuals from discrimination and medical malpractice, including conversion therapy. Kuwait must take immediate actions to implement anti-discrimination measures and sexual education programs. These initiatives should ensure that transgender individuals are protected from harmful medical practices and can access healthcare without fear of discrimination or stigma.
6. The Government of Kuwait must safeguard the rights of transgender individuals and others from arbitrary medical detention and involuntary conversion therapy by amending Law No. 14 of the Year 2019 concerning the Treatment of Individuals with Mental Illness. This amendment should involve the establishment of an oversight committee that allows individuals to challenge orders of forced detention instituted by their families.
7. The Government of Kuwait must terminate its endorsement of honour killing by repealing Article 153 of the Kuwaiti Penal Code.
8. The Government of Kuwait must meet its legal obligations by taking affirmative actions to facilitate the realization of fundamental human rights for transgender individuals. This can be achieved through the following recommended actions:
 - a. Allocate human and financial resources to create new comprehensive medical centres dedicated to transgender healthcare, which should provide hormonal, surgical, and psychological support.
 - b. Include transgender individuals in government health insurance programs

and ensure coverage for medical services related to these individuals within private health insurance policies.

c. Implement new research initiatives and data collection strategies to capture the perspectives of transgender individuals regarding their healthcare, thereby informing future health policies and mechanisms that are evidence-based.

d. Formulate new medical committees responsible for designing, reviewing, and implementing updated medical curricula and standardized treatment protocols that reflect the latest medical and scientific advancements in transgender healthcare. These committees should facilitate practical training in conjunction with theoretical education, ensuring that state policies on transgender healthcare are guided by their recommendations.

e. Establish an administrative process to supplant the judicial procedure, enabling individuals receiving gender-affirming healthcare through the Ministry of Health's committees or from external sources direct access to legal gender recognition.

f. Introduce comprehensive anti-discrimination and hate crime legislation that provides protection for individuals based on gender and gender identity.

g. Establish and allocate funding for support services, including safe housing and psychological counselling, specifically aimed at assisting transgender individuals and other vulnerable groups at risk of violence.