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Kuwait must reject proposed homophobic ‘medical tests’ on migrant workers

A proposal to introduce compulsory “medical tests” to bar any migrant workers deemed to be “homosexual” or transgender from entering Kuwait and other Gulf countries is outrageous and should be rejected out of hand, said Amnesty International.

“This proposal will only further stigmatize people who already suffer extremely high levels of discrimination and abuse on the grounds of their real or perceived sexual orientation or gender identity,” said Philip Luther, Middle East and North Africa Director at Amnesty International.

“Instead of continuing to discriminate against lesbian, gay, bisexual, transgender and intersex individuals, authorities in Kuwait should work to ensure that people are not harassed and abused because of who they are and repeal laws that criminalize sexual acts between consenting adults.”

Under the new proposal, put forward on 7 October by Dr Yousuf Mendkar, the Director of Public Health at the Kuwaiti Ministry of Health, anyone deemed “homosexual”, transgender and/or cross-dresser after a “medical test” will automatically be prevented from entering the country.

The proposal will be debated at a meeting of the Central Committee for Expatriate Labor Forces Program of the Gulf Cooperation Council (GCC) in Oman on 11 November.

Migrant workers from certain countries, mostly in South and South East Asia, are required to undergo medical assessments when they apply for permits to work in Kuwait and other GCC countries. The proposal, if passed, would add the new “medical test” to these assessments.

“Authorities in Kuwait and other GCC states must reject any proposals to introduce these discriminatory ‘medical tests’ to ‘assess’ the sexual orientation or gender identity of people entering the country,” said Philip Luther.

“It is an affront to the fundamental human right to privacy and underscores the continuing persecution of individuals based on their sexual orientation or gender identity.”

In Kuwait, sexual relations between consenting adults of the same sex are illegal and can be punished with up to 10 years’ imprisonment.

Under the country’s Penal Code “imitating members of the opposite sex” is also a criminal offence, punishable with a monetary fine or a prison sentence of up to one year.

Over the past years, Amnesty International has documented increasing reports of violence against lesbian,

gay, bisexual, transgender and intersex (LGBTI) people in Kuwait. These include reports of harassment, arbitrary arrest and detention, abuse, torture and sexual assault.

“This sort of differential treatment constitutes a clear violation of the principle of non-discrimination, recognized in numerous international human rights treaties to which Kuwait is a state party,” said Philip Luther.