

17th May 2018 International Day against Homophobia and Transphobia

Communiqué: When will convictions of LGBTQI++ people continue and the anal test find stop?

The Civil Collective for Individual Liberties notes that, from the 17th May 2017 to the 17th May 2018, the article 230 of the criminal code which sanctions homosexuality up to 3 years of imprisonment wreaked havoc. The only cases of people judged, documented by the activist associations for individual liberties and the rights of LGBTQI++ people or mentioned by the media, reach the number of 90.

The Civil Collective for Individual Liberties recalls that the implementation of the article 230 by the authorities (police and judicial) implies a serious violation of fundamental human rights. Indeed, this article justifies all the following violations:

Violation of the dignity of the persons, of their moral and physical integrity (article 23 of the Constitution): the article 230 involves serious harm to the dignity and the body of the accused persons who are forced to undergo medical examinations (the anal test) qualified as acts of torture by the International Committee against Torture.

Violation of the right to privacy, the confidentiality of correspondence, communications, personal information and home (article 24 of the Constitution): article 230 authorizes the police to search houses for the purpose of establishing the commission of homosexual acts, arresting persons on the basis of their appearance, the confiscation of mobile phones, computers ...;

Violation of the principle of the equality of all persons before the Law without discrimination (article 21 of the Constitution). The article 230 opens, through sexual orientation and the expression of apparent or presumed gender, the way to all forms of discrimination!

The Civil Collective for Individual Liberties condemns the article 230 that legitimizes and justifies hatred, assault and even homicide. In 2017 alone, we recorded 3 homophobic murders, numerous public lynching of transgender people ... campaigns of disparagement and defamation against LGBTQI++ people and associations defending their rights.

However, the Civil Collective for Individual Liberties commends the work and efforts of human rights associations and organizations in general, individual liberties in particular, and openly the LGBTQI++, who continue to point out these violations, contacting the authorities, publishing reports and press releases ... defending and supporting the victims of legal violence based on this article 230 ... and commends the opinion of the Council of the Order of Doctors who since April 2017 condemned the anal test performed on the basis of the article 230 of the Tunisian criminal Code.

Finally, the Civil Collective for Individual Liberties urges the Tunisian authorities to:

- Stop immediately the practice of the anal test,
- Decide a moratorium on the application of the article 230 until its repeal;

The Collective recommends to the Committee for Individual Liberties and Equality to propose a revision of obsolete legislation such as Article 230,
The collective reminds the Council of the Order of Doctors of its duty to apply disciplinary measures against doctors who continue to practice the anal test...

The signatory associations:

1. L'Association Tunisienne de défense des libertés individuelles (ADLI)
2. La Ligue *tunisienne* des droits de l'homme
3. L'Association Tunisienne des Femmes Démocrates
4. Association des Femmes Tunisiennes pour la Recherche sur le Développement
5. L'Association *Bayti*
6. ALSEJINE 52
7. L'initiative Mawjoudin pour l'égalité We Exist
8. La Ligue des Électrices Tunisiennes
9. Le Groupe Tawhida Ben Cheikh-Pour la Recherche & Action en santé des femmes
10. L'Association Shams
11. L'Association Tunisienne pour la Justice et Légalité DAMJ
12. L'Association CHOUF MINORITIES
13. L'Association pour la Promotion du *Droit à la Différence ADD*
14. La Ligue des Électrices Tunisiennes LET
15. L'Association *Tunisienne* de Lutte contre les MST et le SIDA ATL
16. L'Association Waai
17. Le réseau national des éducateur pairs Y-PEER Tunisie
18. L'Association CALAM
19. L'association Free Sight Association
20. L'Organisation Tunisienne de justice sociale et solidarité OTJUSS
21. L'Association Tunisienne de Prévention Positive+ ATP+
22. Le Réseau Doustouna
23. L'Association Horra
24. La Coalition pour Les Femmes de Tunisie
25. L'Association Fanni Roughman Anni
26. L'Association Mnemty
27. L'Association Touensa
28. L'Association L'ArtRue
29. L'Association Kelmty
30. Réseau EuroMed Droits

31. *Avocats Sans Frontières (ASF)*

32. *L'Organisation Mondiale Contre la Torture (OMCT)*