

الاتتلاف المدني
من أجل الحريات الفردية



PRESS RELEASE

COVID kills, State repression kills, hate kills

Celebrating the International Day Against LGBTQI-phobia, 17 May 2021

For the sixth time, the Civil Collective for Individual Liberties (CCLI) celebrates the International Day Against LGBTQI-phobia in Tunisia. This year's celebration highlights a critical period for the Tunisian Lesbian, Gay, Bisexual, Trans, Queer, Intersex, Asexual and + (LGBTQI+) community. This is a critical period due to the continuing policies of impunity for hate and violence against the LGBTQI+ community, and the community's furthering economic and social marginalization.

As Tunisia continues to deal with the ongoing COVID-19 health and general economic crises, the complexity of experiences and attitudes among LGBTQI+ community remains underexamined. The Tunisian State is relentlessly criminalizing homosexuality and denying recognition of differences and the acceptance of the diversity of genders identities and gender expressions.

There have been numerous arrests and trials for «homosexuality and transidentity» resulting from the enforcement of unconstitutional articles of the Penal Code, including articles 226, 226 bis, 227 bis, 230 and 231.

For instance, since 2011 the Ministry of Justice has counted¹ **1,225 persons** imprisoned on the basis of Article 230 of the Penal Code, which dates back to the colonial period in 1913. Member associations of the CCLI have counted more than **29 complaints** in the past two years involving allegations of torture, humiliation and degrading treatment filed by LGBTQI+ individuals against the police. None of these complaints has been considered and litigated by the Tunisian State.

This institutional discrimination by the Tunisian state exposes the LGBTQI+ community to custodial sentences accompanied by violations of rights and freedoms and discriminatory practices of torture, such as forced anal examinations.

In this context, the CCLI affirms its support for the awareness campaign "**No to lifetime confinement**" that the "Twensa kifkom" project team (We are Tunisians like you) has launched on the social network medias on 14 May 2021.

1. Two requests were addressed to the Ministry of Justice to have access to information related to the number of detainees under article 230 of the Penal Code. Replies from the Ministry were contradictory.

#No_to_lifetime_confinement
#erreur230

 **Collectif Civil pour les libertés individuelles**



The objective of the campaign, “**No to a lifetime of confinement**” is to engage the various rule of law institutions in protecting the LGBTQI+ individuals against all forms of discrimination and violence, specifically those imposed by the various security, judicial and legislative authorities. The campaign denounces the daily institutional violence suffered by members of the LGBTQI+ community. These include discrimination, violence, police repression and abuse of power, all of which intersect with those encountered in general by Tunisian citizens in the exercise their individual rights and freedoms. These violations provides for the possibility of lifetime confinement / lockdown for the Tunisians in general, and members of the LGBTQI+ community in particular.

On the occasion of this International Day Against LGBTQI-phobia in Tunisia, the undersigned members of the CCLL:

- ▶ Remind the Tunisian State of its commitment to respect all provisions of the 2014 Constitution and the commitments stemming from the ratified international conventions that support the right to full equality and the guarantee of dignity and physical integrity;
- ▶ Call on the Tunisian Parliament to immediately repeal articles 226, 226 bis, 227 bis, 230 and 231 of the Penal Code and implement the recommendations of the two final reports of the Truth and Dignity Authority and the National Authority for the Prevention of Torture, stipulating the immediate abolition of these unconstitutional articles infringing individual freedoms;
- ▶ Call on the Representatives of the People to resume the debate on the draft of the Code of Individual Rights and Freedoms, and to adopt it as soon as possible in view of its importance for the guarantee of individual freedoms in general and the rights of LGBTQI+ individuals in particular;
- ▶ Call on the judicial authorities, as well as medical examiners, to immediately stop authorizing and practicing anal examinations and any other humiliating acts that affect the physical integrity and mental health of individuals. In addition, we call on the authorities to comply with the official position of the Tunisian Medical Council and the National Instance for the Prevention of Torture, which equate these practices to torture, and consider them contrary to medical ethics and deontology, and devoid of any scientific credibility;
- ▶ Remind the Tunisian State of its failure to meet its commitments towards the international community as well as its non-compliance with the statements made during the Universal Periodic Review of 2017 at the United Nations Council. Namely, its acceptance of the recommendation on the protection of the LGBTQI+ community, the suspension of humiliating medical examinations that are inflicted on them; and therefore, the CCLL calls on the Tunisian State to immediately comply with these commitments.

#No_to_lifetime_confinement
#erreur230



Signatory associations and organizations:

SNJT - Syndicat National des Journalistes Tunisiens
 LTDH - La Ligue Tunisienne des Droits de l'Homme
 ATFD - Association Tunisienne des Femmes Démocrates
 DAMJ, L'association tunisienne pour la justice et l'égalité
 ASF - Avocats Sans Frontières
 L'ADLI - L'Association Tunisienne pour la Défense des Libertés Individuelles
 FTDES - Le Forum Tunisien des Droits Economiques et Sociaux
 Initiative Mawjoudin pour l'Egalité
 DCS - Danseurs Citoyens Sud
 L'ATP+ - L'Association Tunisienne pour la Prévention Positive
 Euromed Rights Tunis
 Attalaki pour les Libertés religieuses
 OMCT - Organisation Mondiale de Lutte contre la Torture
 PDMT - Psychologues du Monde Tunis
 Association Tahadi
 Association Mnepty
 Association Intersection pour les droits et les libertés
 L'ADD - L'Association pour la promotion du Droit à la Différence
 L'Association Shams
 OCTT- L'Organisation Tunisienne pour la Prévention de la Torture
 Association Citoyenneté, Développement, Cultures & Migrations Des Deux Rives
 ACDR - L'Association Arts et Cultures des deux Rives
 Forum tunisien pour l'autonomisation des jeunes
 Association de solidarité civique - Tunisie.
 Organisation du Martyr de la Liberté Nabil Barkati
 Comité de Vigilance pour la Démocratie en Tunisie - Belgique
 CRLDHT - Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie
 Association Weshm
 Coordination Tunisienne de la Marche Mondiale des Femmes
 Histoires et mémoires communes pour la liberté et la démocratie
 L'association Perspectives El 3amel Ettounsi
 ATAC - L'association tunisienne de l'action culturelle
 Free Sight Association
 L' ATCA - Association Tunisienne de la Culture Amazighe
 Nachaz
 Le Groupe Tawhida Ben Cheikh
 Association NESS pour la prévention combinée
 LET - La ligue des Electricistes Tunisiennes
 Aswat Nissa
 Article 19

#No_to_lifetime_confinement
#erreur230

