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 kifikom” 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.

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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 provide 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.

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Collectif Civil pour les libertés individuelles
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’égaleité
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 Mmeny
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 Electrices Tunisiennes
Aswat Nissa
Article 19

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