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WATCH

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Tunisia: End Persecution of LGBT People

Homophobia, Transphobia Dominate Government Policies

Update: On May 20, the Court of Appeal in Tunis ruled in favor of the LGBT rights group Shams, finding that the government did not have grounds to shut the organization down.



(Tunis) – [Tunisia](#) should revise its laws and practices to recognize and protect the rights of lesbian, gay, bisexual, and transgender people, Human Rights Watch said today on the International Day against Homophobia, Biphobia, and Transphobia.

Human Rights Watch joined the Civil Coalition for Individual Freedoms in Tunisia today in [issuing a statement](#) that called on the government to decriminalize consensual same-sex conduct, end forced anal examinations, recognize transgender people, and stop harassing LGBT organizations.

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“Tunisia has taken rhetorical steps toward ending institutionalized discrimination against LGBT people, by agreeing to end forced anal exams and establishing a [presidential commission](#) that called for decriminalization of same-sex conduct,” said [Neela Ghoshal](#), senior LGBT rights researcher at Human Rights Watch. “But arrests and forced anal exams continue, while the state attempts to silence one of the groups vocally condemning these practices.”

The Tunisian government has taken steps to withdraw the legal registration of a leading Tunisian LGBT rights organization, Shams, claiming its work on behalf of sexual minorities contravenes “Tunisian society’s Islamic values” and laws that criminalize homosexual acts. A court of appeal is expected to issue a ruling in the case on May 20.

Article 230 of the penal code punishes consensual same-sex relations with up to three years in prison. Tunisian law also punishes any act the authorities perceive as contrary to “morality” and “decency.” The coalition noted that the police frequently arrest people solely on the basis of non-normative gender expression.

While the Tunisian authorities in 2017 committed to ending anal tests as evidence in homosexuality prosecutions, the courts continue to order this practice, which has no scientific basis and has been condemned by international experts as torture.

Crimes against people perceived to be homosexual or transgender continue in an atmosphere of impunity, the coalition said. Unchecked discrimination prevents LGBT people from enjoying their most basic rights to health, education, work, and to seek legal action against abusers.

The coalition issued a series of recommendations to the Tunisian government. It called on parliament to adopt the draft Code of Individual Freedoms, which was put forward by a group of parliament members in October 2018. The code would provide for decriminalization of homosexual acts and a rights-respecting process by which trans people could change their sex marker on legal documents.

It also called on judges to bar the use of anal testing, and for doctors to refuse to conduct anal tests.

The signatory associations:

Tunisian League for the Defense of Human Rights

Tunisian Association of Democratic Women

Tunisian Association for the Defense of Individual Liberties

Beity Association

Damj Association - for Justice and Equality

Tunisian Association for Positive Prevention

Shams Association

Mawjoudin Association

Chouf Association

Association for the promotion of the Right to Difference

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CALAM Association

Legal Agenda Tunisia

Tunisian Association for Reproductive Health

Tawhida Ben Cheikh Group

Tahadi Association

Free Sight Association

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Lawyers without Borders

International Federation for Human Rights

Euromed Rights Network

Human Rights Watch

World Organization Against Torture

Al Bawsala Association

Outcasts Collective

Alwani Association

Committee for Respect for Freedoms and Human Rights

Tunisie Terre des Hommes Association

Ahmed Tlili Foundation for Democratic Culture

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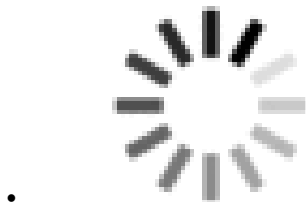
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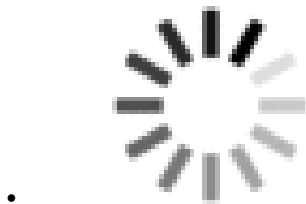
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