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Brussels, 18 January 2019

Honourable Members of the Government of Tunisia,

We were appalled to learn that Tunisia has arrested, prosecuted and detained several men for homosexuality in 2017 and 2018, and subjected them to anal tests and conversion therapy.

All human beings have a right to be protected against torture, discrimination, arbitrary arrest and detention, as well as privacy and personal data breaches. This is guaranteed by several international law conventions, as well as the Tunisian Constitution and Tunisian national law. The prohibition of consensual same-sex activity in the Tunisian Penal Code goes directly against such human rights principles.

International institutions such as the UN Working Group on Arbitrary Detention have clearly stated that arrests for consensual same-sex conduct is arbitrary and should be stopped. Such position is mirrored within Tunisia, as shown by the recent proposition of the Commission on Individual Freedoms and Equality to decriminalise homosexuality and the draft legislation for a code on individual freedoms advocating for the abolition of article 230.

Anal tests and conversion therapy, which have no scientific basis and constitute cruel, degrading and inhuman treatment, have been repeatedly condemned by UN bodies such as OHCHR, the Committee against Torture and the UN Universal Periodic Review. The use of anal tests in particular is even more concerning that your government formally accepted in September 2017 the recommendation of the UN Universal Period Review to end forced anal exams.

We were also dismayed to hear that in November 2018, two men who had beaten up a young man in Monastir were freed by the first instance tribunal, while the victim was blamed for being gay. All citizens should have access to justice and redress in case of violence and discrimination, regardless of who they are. In that view we are all the more concerned that men seeking police assistance for various reasons, including rape, sexual violence and homophobic violence, are re-victimised and charged for homosexual conduct – instead of being given guidance and support.

In light of the above we urge Tunisian authorities to put a stop to prosecutions on account of homosexuality and the abhorrent anal test and conversion therapy



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practices. We hope to see Tunisia abolish article 230 of the Penal Code as soon as possible, and to provide equal support and redress to all victims of violence in Tunisia, regardless of who they are.

Yours Sincerely,

Daniele Viotti MEP, *co-chair of the LGBTI Intergroup*

Sirpa Pietikainen MEP, *vice-president of the LGBTI Intergroup*

Sophie in't Veld MEP, *vice-president of the LGBTI Intergroup*

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