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Abusive Tests for Homosexual Conduct Violate Rights

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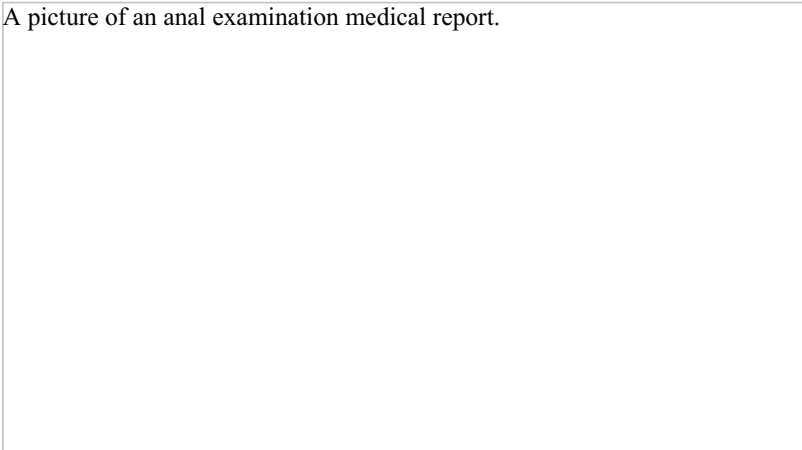
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(Geneva) Forced anal examinations on men and transgender women accused of consensual same-sex conduct have been reported in at least eight countries in the last five years, Human Rights Watch said in a report released today. These examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may in some cases amount to torture.

A picture of an anal examination medical report.



Forced anal exams are invasive, intrusive, and profoundly humiliating, and clearly violate governments human rights obligations, said [Neela Ghoshal](#), senior researcher in the [lesbian, gay, bisexual and transgender](#) (LGBT) rights program at Human Rights Watch. No one, in 2016, should be subjected to torturous and degrading examinations that are based on invalidated theories from 150 years ago.

The exams are rooted in [discredited](#) 19th century theories that homosexuals can be identified by the tone of the anal sphincter or the shape of the anus. International forensic medicine experts have found that the exams are useless, in addition to being cruel and degrading. The conclusion was shared even by several medical professionals Human Rights Watch interviewed who themselves had conducted anal exams.

International human rights law prohibits torture as well as cruel, inhuman, and degrading treatment. Those prohibitions are explicitly reflected in the domestic laws of countries that have nonetheless allowed forced anal exams to take place. The United Nations [special rapporteur](#) on torture and cruel, inhuman or degrading treatment has found that the exams are intrusive and degrading and medically worthless, amounting to torture or ill-treatment. The [International Forensic Expert Group](#) describes them as a form of sexual assault and

rape.

Medical personnel who voluntarily conduct forced anal exams [violate](#) international principles of medical ethics, including the prohibition on medical personnel participating in any way in acts of torture or degrading treatment.

I felt like I was an animal. I felt I wasn't human, said Mehdi, a Tunisian student [subjected](#) to an anal exam in December 2015. When I got dressed, they put handcuffs on me and I went out, feeling completely in shock. I couldn't absorb what was going on.

Louis, who underwent a forced anal examination in Cameroon in 2007, at age 18, told Human Rights Watch nine years later: I still have nightmares about that examination. Sometimes it keeps me up at night when I think about it. I never thought a doctor could do something like that to me.

Cover



July 12, 2016

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Forced Anal Examinations in Homosexuality Prosecutions

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Some countries where authorities have used forced anal exams in the past, most notably Lebanon, have taken steps to end the practice. But others, including [Egypt](#) and [Tunisia](#), rely on them with great frequency in prosecutions for consensual same-sex conduct. The use of forced anal examinations appears to be a recent phenomenon in Kenya, [Uganda](#), and [Zambia](#).

No one, in 2016, should be subjected to torturous and degrading examinations that are based on invalidated theories from 150 years ago.

Neela Ghoshal

Senior LGBT rights researcher

In [Kenya](#), a disappointing High Court decision in June 2016 upheld the constitutionality of the exams. The judge found that the petitioners, two men who had been arrested on unnatural offenses charges and subjected to anal exams while in police custody, had consented to them. Petitioners said they were not informed about the tests and agreed only under duress while in police custody. The decision has been appealed.

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