

Victim Lands Behind Bars in Tunisia

End 'Sodomy' Prosecutions, Forced Anal Examinations



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Correction/Clarification: Contrary to what Human Rights Watch initially reported, the authorities arrested and prosecuted the alleged assailants along with A.F., the complainant. The court sentenced all three on February 11 to six months in prison for “sodomy” under article 230 of the penal code. It also sentenced the alleged assailants to an additional two months for robbery and violence. According to one defense lawyer, A.F. retracted his allegation of rape, both during his interrogation at the police station and during his appearance before the judge. He also denied having any sexual intercourse with the two men. The defense lawyer told Human Rights Watch that A.F. said prosecutors forced him to undergo an anal examination to determine whether he had been raped. A.F. is appealing his conviction. This piece has been updated to reflect these changes.

Imagine seeking police assistance after being attacked – and finding yourself behind bars. This is what happened to 22-year-old A.F., who was arrested on charges of homosexual conduct after he went to a Tunisian police station in January to report an assault by two men he’d met through social media.

A.F. initially told police in the southern town of Sfax that he had been raped, assaulted, and robbed. Police responded by arresting him, along with the alleged assailants. According to police reports, A.F. then retracted the rape allegation and told police that he’d had consensual sex with the men but reported a rape because he was angry about being robbed and attacked, and the men’s refusal to pay him for sex.

The next day, police subjected A.F. to a forced anal examination. On February 11, the first instance court in Sfax convicted A.F. of “sodomy,” along with his assailants, under article 230 of Tunisia’s penal code. A.F. was also convicted of filing a false rape report, while his attackers were convicted of robbery and committing violence.

Article 230 punishes “sodomy” with up to three years in prison. The article’s very existence [violates Tunisia's international human rights obligations](#). Human Rights Watch has documented how article 230 is also a wellspring of other abuses. Research on [arrests for alleged same-sex conduct](#) in Tunisia found that police enter homes without warrants, search through phones, and elicit forced confessions. They arrest male rape victims, treating them as perpetrators, and order forced anal examinations, despite Tunisia’s [pledge to the United Nations Human Rights Council](#) to stop using them. Authorities sometimes claim victims “consent” to such exams, but consent to such an abusive exam when refusal might be taken as an indication of guilt, has [little meaning](#).

The case in Sfax is complex, but police should have focused on the harm done to the victim, rather than the consensual sex, if it occurred. Charging both A.F. and the accused with “sodomy” sends a

chilling message to victims that if they are suspected of being gay, reporting a crime may land them behind bars.

Tunisia's [presidential commission on individual freedoms](#) has called for the repeal of article 230 and a prohibition on forced anal exams. President Beji Caid Essebsi has maintained silence in the face of these recommendations. He should stand up for victims like A.F. and for the privacy rights of all Tunisians.

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