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Commission de l'immigration
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Tunisia: Situation of sexual minorities, including their treatment by society and the authorities, legislation, state protection and support services (2011-November 2013)

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1. Overview

According to the US Department of State's Country Reports on Human Rights Practices for 2012, "consensual same-sex sexual activity is not illegal per se" (20 May 2013, 20). However, Section 230 of the Tunisian Penal Code (Code pénal de la Tunisie) stipulates that [translation] "sodomy ... is sanctioned with three years' imprisonment" (Tunisia 2005). Other sources indicate that homosexuality is illegal (Uncut 27 Mar. 2012; Grazia 15 Mar. 2013).

Some sources report that homosexuality is a [translation] "taboo" subject (Jeune Afrique 11 Oct. 2013; Tunisia Live 10 Feb. 2012; AFP 3 Apr. 2013). Tunisia Live, an independent news organization that provides coverage in English of current events in Tunisia (Tunisia Live 20 June 2012), states that the existence of Tunisia's homosexual community is "often undiscussed" (26 Jan. 2012). According to an article in the British magazine Uncut, "Gays and [l]esbians in Tunisia often keep quiet about their sexual orientations" (27 Mar. 2012). In addition, according to Jeune Afrique, Islamists consider homosexuality as [translation] "a sickness or ... a disease of the West" (11 Oct. 2013). Tunisia Live reports that Tunisian society associates homosexuality with pedophilia (26 Jan. 2012).

1.1 Changes Since the 2011 Revolution

According to an article in Gay Star News (GSN), an international LGBT news, entertainment and travel site (15 Jan. 2012), "Insiders say life for Tunisian LGBT people has not changed since the

revolution" of January 2011 (1 Mar. 2012). An article in the French magazine *Grazia*, however, reports that [translation] "the situation is even worse" since the revolution (15 Mar. 2013). In interview with *Grazia*, the president of the Tunisian Association to Support Minorities (Association tunisienne de soutien des minorités, ATSM), a Tunisian non-governmental organization (NGO) that works to combat homophobia and anti-Semitism (AFP 9 Jan. 2013), stated that she receives [translation] "more and more reports from gays who are assaulted because, even though they are discreet, people talk and denounce them" (*Grazia* 15 Mar. 2013). Similarly, a journalist writing for *The Advocate*, a magazine and Internet site for LGBT news and politics (HereMedia n.d.), reports that, according to gay Tunisians he met in the country, "arrests for homosexuality have been on the rise" since 2011 (*The Advocate* 4 Dec. 2012).

Some sources, however report that freedom of the press has improved since the revolution (US 20 May 2013, 20; Tunisia Live 26 Jan. 2012; Uncut 27 Mar. 2012). According to the editor-in-chief of the electronic magazine *Gayday*, Tunisia's first LGBT magazine, which was launched in March 2011, "It was difficult to have such [a] venture prior to the revolution due to censorship" (ibid.).

2. Attitudes Toward and Treatment of Sexual Minorities by Authorities

A number of sources report that, in a television interview in 2012, Minister of Human Rights and Transitional Justice, Samir Dilou, characterized homosexuality as a "perversion that requires medical treatment" (US 20 May 2013, 20; Tunisia Live 10 Feb. 2012; GSN 1 Mar. 2012). He also stated that expressing one's sexual orientation is not a human right and that freedom of expression has limits (ibid.; Tunisia Live 10 Feb. 2012). In addition, he is reported to have condemned the magazine *Gayday* (GSN 1 Mar. 2012).

Various sources report that the Tunisian government rejected the recommendation of the United Nations Human Rights Council to decriminalize same-sex acts (ibid. 6 June 2012; AFP 1 June 2012; AI 20 Sept. 2012). The recommendation was made in 2012 during the Universal Periodic Review of Tunisia (ibid.). According to Agence France-Presse (AFP), the Minister of Human Rights and Transitional Justice explained that the rejected recommendations were [translation] "incompatible with the laws and realities of Tunisian society" (1 June 2012).

Quoted in an article in AFP, the president of the ATSM stated that [translation] "people are rarely arrested for sodomy because they must be caught committing the offence" (AFP 3 Apr. 2013). She stated that the law is used more [translation] "for intimidation purposes" (ibid.). The president of Amnesty International's Tunisia office, quoted in an article in Tunisia Live, echoed that perspective, asserting that, in her opinion, "These morality laws are almost never enforced," and that whenever they are enforced, "there is a political motivation behind it" (19 Apr. 2013). According to the editor-in-chief of *Gayday*, in Tunisia, homophobia is used as a "political weapon" (GSN 7 Feb. 2012).

In April 2013, the leader of the Tunisian Liberal Party (Parti libéral tunisien), which AFP describes as [translation] "a minor opposition movement" (AFP 3 Apr. 2013), was arrested at a hotel for allegedly committing sodomy (ibid.; GSN 23 Apr. 2013; Tunisia Live 19 Apr. 2013). In an interview with Tunisia Live, a lawyer for the party leader, stated that his client "was ordered by a judge to undergo a rectal examination ... to verify whether he had engaged in sodomy" (ibid.; GSN 23 Apr. 2013). According to GSN, pro-government Internet sites were the first to report the party leader's arrest, using "highly inflammatory and graphic descriptions ... as means to discredit and humiliate his image" (ibid.). The same source reported that the party leader was still in detention 25 days after his arrest (ibid.).

In January 2012, a video allegedly featuring the Home Office minister in a homosexual act with another man in prison was posted on the Internet (France 24 19 Jan. 2012; Le Monde 19 Jan. 2012; GSN 7 Feb. 2012). The video was allegedly taken in the 1990s when the minister was in

prison (ibid.; France 24 19 Jan. 2012). According to GSN, the video "gave the opposition more opportunity to use gay hatred to lambast[e] and discredit the ruling Ennahda party" (7 Feb. 2012).

According to Amnesty International, in April 2012, a young man was sentenced to four years in prison for [translation] "attacking a mosque" and for [translation] "infringing on a religious ritual" (23 Apr. 2012). The young man had allegedly produced a video in which he claimed to have thrown the Quran into the ablutions room of several mosques because he opposes Islam and because he is secular and gay and wants to be able to marry a man (AI 23 Apr. 2012). Amnesty International also reports that the young man's family and lawyer have stated that he was [translation] "mentally unstable" and had undergone psychiatric treatment (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Police and Security Forces

According to the editor-in-chief of Gayday, LGBT people are "at constant risk of arrest" and "permanent risk of being censored" (Tunisia Live 5 Mar. 2012). According to Country Reports for 2012, there were allegations that "police officers sometimes harassed openly gay persons and accused them of spreading HIV/AIDS" and that "security force members continued to assault individuals perceived to be LGBT" (20 May 2013, 20). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the president of the ATSM, interviewed par Grazia, there are no statistics on the frequency of sexual violence against LGBT people [translation] "first, because no one dares to complain; second, because the police cover up this sort of case" (Grazia 15 Mar. 2013). The president of the ATSM also stated that her organization had assisted a young man whom the police had allegedly [translation] "thrown to the wolves" in a jail because of his sexual orientation (ibid.).

3. Treatment of Sexual Minorities by Society

According to Country Reports for 2012, "LGBT individuals faced discrimination" (US 20 May 2013, 20). The editor-in-chief of Gayday, quoted in an article in GSN, stated that the law means that he is "at constant risk of arrest and blackmail" (3 Mar. 2012). He explained that if his sexual orientation were revealed to his parents or the community, he could become "a social outcast with loss of family ties and job prospects" (GSN 3 Mar. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In addition, the editor-in-chief and one of his friends have apparently received online death threats (ibid. 7 Feb. 2012). Pink News, a European online service specializing in news for the LGBT community, also reported that the Internet site Gayday had been hacked and vandalized several times and that its Facebook, Twitter and online messaging accounts had also been hacked (15 Mar. 2012).

According to some sources, the ATSM's facilities were broken into and vandalized in January 2013 (AFP 9 Jan. 2013; GSN 14 Jan. 2013). According to the NGO, the perpetrators were members of an Islamist militant group that has ties to the ruling Ennahda party (AFP 9 Jan. 2013). The president of the ATSM stated that she had received threats from that group before the attack took place (ibid.).

In August 2012, a gay Italian tourist was killed in Hammamet (GSN 7 Aug. 2012; Grazia 15 Mar. 2013). In October 2012, a gay Belgian national was stabbed to death in the same city (ibid.; Tunisie Focus 12 Oct. 2012).

According to Tunisia Live, in January 2012, "a public demonstration called upon the government to take a more active role in guaranteeing the rights of Tunisia's homosexual minority" (10 Feb. 2012). GSN reported that the demonstration, in which nearly 10,000 people participated, aimed to promote "all liberties" but mainly freedom of expression (7 Feb. 2012). The same source stated that the majority of the LGBT community did not feel that the demonstrators were defending their interests and reported some of them were carrying signs bearing homophobic slogans (GSN 7 Feb. 2012).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

The Advocate. 5 December 2012. Michael Lucas. "Op-ed: Gays in the New, Complicated Tunisia." [Accessed 24 Oct. 2013]

Agence France-Presse (AFP). 3 April 2013. "Tunisie : un avocat opposant incarcéré pour 'sodomie'." (Factiva)

_____. 9 January 2013. "Une ONG tunisienne accuse des militants pro-islamistes de l'avoir attaquée." (Factiva)

_____. 1 June 2012. "Tunis a rejeté 2 recommandations du Conseil des droits de l'Homme de l'ONU." (Factiva)

Amnesty International (AI). 20 September 2012. "Tunisia: Amnesty International Regrets Rejection of Recommendations Regarding Decriminalization of Defamation, Non-discrimination Against Women and on the Basis of Sexual Orientation, and Abolition of the Death Penalty." (MDE 30/009/2012) [Accessed 24 Oct. 2013]

_____. 23 April 2012. "Tunisie. Les attaques contre la liberté d'expression se multiplient." [Accessed 8 Nov. 2013]

France 24. 19 January 2012. "Vidéo Ali Larayedh : 'Le retour de la porno-politique de Ben Ali'." [Accessed: 4 Nov. 2013]

Gay Star News (GSN). 23 April 2013. Dan Littauer. "Tunisia: Liberal Leader Forced into Gay Anal Probe Test." [Accessed 25 Oct. 2013]

_____. 14 January 2013. Dan Littauer. "Tunisia Militia Raids Pro-Gay Charity that Criticized Minister." [Accessed 25 Oct. 2013]

_____. 7 August 2012. Dan Littauer. "Brutal Murder of Gay Italian in Tunisia." [Accessed 25 Oct. 2013]

_____. 6 June 2012. Dan Littauer. "Tunisia Rejects UN Call to Make Gay Sex Legal." [Accessed: 25 Oct. 2013]

_____. 3 March 2012. Dan Littauer. "Tunisia Rights Minister Stands by Homophobia." [Accessed 25 Oct. 2013]

_____. 1 March 2012. Dan Littauer. "Ex Diplomat Quizzes Tunisian Leader on Gay Rights." [Accessed: 24 Oct. 2013]

_____. 7 February 2012. Dan Littauer. "Tunisia Rights Minister Pledges to Deny Freedom to Gays." [Accessed 24 Oct. 2013]

_____. 15 January 2012. Tris Reid-Smith. "About Gay Star News." [Accessed 8 Nov. 2013]

Grazia [Paris]. 15 March 2013. Jean Berthelot. "Tunis plus très gay; témoignages." (Factiva)

Heremedia. N.d. "Subscribe to OUT and The Advocate." [Accessed 8 Nov. 2013]

Jeune Afrique. 11 October 2013. "Cinéma - Abdellatif Kechiche tel qu'en lui-même." (Factiva)

Le Monde [Paris] avec AFP. 19 January 2012. "Tunisie : une vidéo scabreuse impliquant un ministre provoque l'indignation." [Accessed 4 Nov. 2013]

Pink News. 15 March 2012. "Tunisia Gay Magazine Hacked." [Accessed 4 Nov. 2013]

Tunisia. 2005. Code pénal. [Accessed 25 Oct. 2013]

Tunisia Live [Tunis]. 19 April 2013. "Politician Arrested for Sodomy Subjected to Invasive Examination." [Accessed 8 Nov. 2013]

_____. 20 June 2012. "Code of Ethics." [Accessed 14 Nov. 2013]

_____. 5 March 2012. Farah Samti. "Human Rights Minister Refuses to Retract Homophobic Comments." (Factiva)

_____. 10 February 2012. "Human Rights Minister's Remarks Spark Debate on Homophobia." (Factiva)

_____. 26 January 2012. Farah Samti. "LGBT Community: A 'Don't Ask Don't Tell' Situation." (Factiva)

Tunisie Focus. 12 October 2012. "Un second crime en moins de trois mois : Un belge tué à Hammamet." [Accessed 7 Nov. 2013]

Uncut. 27 March 2012. Afef Abrougui. "Gayday Magazine: Tunisia's First LGBT Magazine." [Accessed 24 Oct. 2013]

United States (US). 20 May 2013. Department of State. "Tunisia." Country Reports on Human Rights Practices for 2012. [Accessed 24 Oct. 2013]

Additional Sources Consulted

Oral sources: A representative of the Association tunisienne de soutien des minorités was unable to provide information. Attempts to contact representatives at the following organizations were unsuccessful: Association tunisienne de lutte contre les maladies sexuellement transmissible et le SIDA; GayTunisie.net; Tunisie Tolérance.

Internet sites, including: Agence Tunis Afrique Presse; AllAfrica; Association tunisienne de lutte contre les maladies sexuellement transmissible et le SIDA; ecoi.net; GayTunisie.net; Huffington Post Maghreb; International Gay and Lesbian Human Rights Commission; International Lesbian, Gay, Bisexual, Trans and Intersex Association; LGBT Asylum News; La Presse; Le Temps; Radio France internationale; Shems FM; United Nations, Office of the High Commissioner for Human Rights.

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