

Themed section

edited by

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LGBT

By ABIR KREFA (for TN) and INGVILD TOMREN (for EG)

Homosexuality is regularly discussed in mass and virtual media. The year begins with a judiciary battle opposing some members of the Tunisian government and Shams, an association created in 2015 that aims to defend the rights of sexual minorities. On January 4, the first instance tribunal in Tunis notifies the association that the court is suspending its activities for 30 days. This means that the association is threatened by dissolution, because the court can decide to definitively prohibit it after the 30 days. The suspension follows a complaint by the secretary general of the government who justifies this decision by two reasons: first, the association is reproached for having deviated from its declared status. The members of the government hostile to the association argue that "the defence of homosexuals," which is claimed by the association in the media, is illegal since it is not mentioned in its statutes. In the latter, only the expression "sexual minorities" is used. The association is also accused of being illegal and of violating the law on associations. The head of state litigation argues that the association has not completed its legal registration. In fact, this refers to an administrative battle, occurring since May 2015. Even if the association paid the fees required, it has not been notified in the Official Journal (HRW, Jan. 16). Ironically, some members of the government thus try to dissolve a so-called "illegal" association and by doing this, implicitly recognize its legal existence. In this battle, Shams is discretely supported by three other Tunisian LGBT associations created since the revolution: Dami, Chouf and Mawjoudin, as well as by some international organizations such as Human Rights Watch and local associations fighting for "human rights." Members also fear that the dissolution of Shams would constitute an unprecedented decision since the revolution and consequently would threaten the freedom of association. Finally, Shams appeals the Court decision and is authorized to pursue its activities (Huffpost Tunisie, Feb. 23)

In the meantime, six persons choose to commemorate the revolution, on the 14th of January, by demonstrating for the rights of homosexuals in the centre of Tunis [>Downtown/Centre-ville]. The activists—men and women aged between 18 and 25 years—are accompanied by the mother of one of them. They carry the rainbow flag and small signs written by themselves, generally in Tunisian [>Language]: "My personal life is not the property of the Tunisian state: § 230 how long?" or, "Open your mouth and take your right. [In English:] My body, my rights. My pussy my choice. § 230," or "Article 230. Three years imprisonment. Criminalizing humanity." All the signs denounce the article of the penal code that punishes sexual relationships between persons of the same sex with up to three years imprisonment. Interestingly, the Arabic and the French versions differ. The Arabic one criminalizes sexual practice between men as well as between women (al-liwāţ wa'l-musāhaga), whereas the French version criminalizes "sodomy" (MCHIRGUI).

Similary to the French version of the Tunisian Article 230, the Egyptian constitution has no law criminalizing homosexuality, but members of the LGBT community are frequently being charged with "habitual debauchery", under a law from 1961 used to prosecute men for

homosexuality and women for prostitution (STACK). The charges of debauchery are often vague, as is demonstrated in an 'Agūza court case on April 24, when eleven individuals get 3-12 years sentences on the ground of "inciting to and facilitating debauchery, habitual debauchery" and "the abuse of a communications medium"— that is, the Internet (Washington Post). Arrests and imprisonment continue to increase, now counting more than 250 people in jail since 2013, putting Egypt on top of countries in the world that imprison people for their sexual orientation, gender identity or expression (STEWART, NOTARO). Apparently, "public morality", with its vague guidelines, offers a perfect opportunity for Egyptian police to prosecute gays on a wide scale, a strategy that simultaneously takes focus away from their shortcomings in other areas (WIRTSCHAFTER).

In Tunisia, a few minutes after they begin marching on Habib Bourguiba, the principal avenue of the capital, the activists are verbally harassed and abused and then pursued by dozens of men threatening them [Clash]. Among the activists is Amina SBOUI, the well-known young woman who, several years ago, posted a photo of her own naked torso on which she had written in Arabic: "My body is my property. It is not your honour." Amina is currently in Tunisia: she has come back to the country after her exile in France (ADAMSON).

Even if this action is public, it is not widely debated, and the news remains nearly limited to Facebook. In April, a controversy re-emerges, though with a much larger audience this time, when Tunisian actor Ahmed Landolsi declares on the channel al-Hiwār al-tūnisī (The Tunisian Dialogue) that "this phenomenon is not ours, it does not belong to our traditions, nor our education, neither our habits, nor our districts," and a few days later on Mosaïque radio that "This is a disease." A week later, the same TV channel organizes a debate about homosexuality between a young man activist engaged in the Shams association who took part in the public action, and several other participants, among them an old man of religion, artists, a journalist and a politician leader from Nidaa party. Whereas the religious man and one of the artists violently express their hostility to homosexuality, describing it as against nature and incompatible with "Muslim and Arab values," other participants defend homosexuals' rights; but the diatribe of the religious man nearly monopolizes the debate (al-Masdar). The different participants do not use the same words. Among the words that rival with "homosexuality" are: shudhūdh (deviation, anomaly), fāhisha (adultery, fornication, whoredom), and al-jins al-thālith (the third sex). As after each public debate, a violent homophobic campaign follows, on virtual media and public spaces. The gay activist receives messages threatening to kill, torture, and rape him. Moreover, violence against sexual and gender minorities increases in general, especially against non-conforming gender persons: transgender people as well as men who are supposedly lacking "masculinity" or women insufficiently feminine, regarding to dominant norms. LGBT people are more harassed, abused and injured. Images calling to ban homosexuals from public services circulate on Facebook. Some are taken from shop windows. A sign pasted on a shop window of a supermarket says: "Entry forbidden to homosexuals," and another one "Restaurant Soltan-Entry forbidden to homosexuals." Other violent messages circulate with photos of weapons and signs of the National Guard. They underline that they are "Against homosexuality" and appeal to boycott and close the channel al-Hiwār al-tūnisī, sometimes mocked as "al-Ḥimār al-tūnisī" (the Tunisian donkey). These messages are published by false profiles which disappear soon afterward. The number of testimonies of violence and abuse received by the

LGBT associations increases considerably in the weeks following the TV debate. A gay activist evokes "an unprecedented homophobia wave" (LOUVET).

Facebook and internet represent precious resources for activists and, more generally, for LGBT people in Tunisia. They are used to organize solidarities, to sensitize public opinion on homophobia and transphobia, as a means to communicate and be informed about violence and abuse targeting LGBT people; but they are also infested by hostile individuals and groups who threaten and harass them and their allies [>Social Media].

This is also the case in Egypt, where social media and meeting apps are increasingly infested by state agents, limiting whatever "safe space" there was. The dating app GRINDR now greets its Egyptian users with a warning message about possible police presence, as undercover agents are going online flirting and asking for risky photos that can later on be used in a court trial (STACK). With few gay-friendly spaces left, entrapping people through dating apps and social media is becoming the most effective way to arrest gay people. Pinpointing the location of homosexuals, apps enable police to get within a close range and track down their targets (*Washington Post*, PAYTON), as examplified when a business man is arrested in downtown Cairo after an investigation of his Facebook meeting site for gay men. Upon his arrest, he confesses to "immoral" activities, stressing that it is for pleasure and not money, according to news site *al-Dostor* (*al-Dustūr*).

Whether it is useful or inappropriate to publicize homosexuality deeply divides LGBT activists. The necessity to publicize the question is defended by young activists whose engagement began with the revolution and most of whom are gay men. This position is extremely criticized by the majority of lesbian and bisexual women and elder gay men who consider that this choice is too dangerous because the visibility of some activists puts the life of all LGBT people in peril, especially those who live in the marginalized regions and poor districts and who are not connected to the associations. The choice made by Shams association is consequently constantly debated and creates dissensions between those who agree with it and those who perceive it as highly risky and not adjusted to the context [avoice vs. Silence].

Despite these conflicts, the five LGBT associations, supported by several feminists, anti-racist and human rights associations, organize in public the International Day Against Homophobia and Transphobia in El Téatro, a cultural space located in Tunis centre (Journée Internationale Contre l'Homophobie et la Transphobie, May 17, 2017). During the afternoon of May 17, the participants individually or collectively read poetry, mainly in Tunisian Arabic, based on personal experiences and testimonies. A large sign is mounted on the stage, on which the logos of the different associations participating are printed. The young activists also hoist the rainbow flag. Two LGBT associations, mainly of gay men, project spots that summarize their activities since their creation. A debate finally takes place between the organizers and the public, principally about the homophobic campaign and article 230.

Tunisian LGBT activists and their allies continue to demand abolition of article 230. This demand is based on many arguments, the most important is that the article contradicts the Constitution. Adopted in January 2014, the new Constitution constitutes an important resource for the LGBT activists. They rely particularly on three of its articles. Article 23: "The State protects the dignity of the human being and his physical integrity, forbids moral or physical torture"; Article 24: "The state protects the right to privacy and the inviolability of the home, and the confidentiality of correspondence, communications, and personal

information," and Article 21: "All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination [7Male vs. Female]. The state guarantees freedom and individual and collective rights to all citizens" (Constitute-PROJECT, "Tunisia's Constitution of 2014"). Other arguments are inspired by feminism: Article 230 violates the principle that a body is a personal property. In such a logic, citizens have the right to use it as they want, when they do not harm anyone.

With regards to LGBT associations and activism, the situation in Egypt is rather different from that in Tunisia, as LGBT organizations in Egypt mostly operate underground these days, unable to do anything in public (NOTARO). Bedayaa (Beginning)'s members, for example, are all anonymous. They meet in secret locations in Cairo, Alexandria and Tanta, among others, providing practical advice and guidance for gay people in Egypt and Sudan, for instance which apps to use in order to avoid police surveillance, and instructions of not sharing photos or personal information until a trusted relationship is established (Arab Foundation). The group also offers psychological help, and founder "Noor" stresses the importance of gay and transgender people to accept themselves first in order to convince the society at large that they are "normal". On the occasion of the International Day Against Homophobia and Transphobia, Bedayaa, together with two other associations, launches a regional campaign to shed light on violence against members of the LGBT community due to their sexual orientation or gender identity. Under the slogan "Together our voice is stronger", the campaign publishes a booklet of testimonies from the gay community in Egypt. It tells the tales of gay and transgender people's daily struggle as subjects to social stigma, domestic violence, psychological and verbal harassment. Among their shared experiences, thoughts on suicide are a recurring theme (Bedayaa) [Psychiatrists, Suicide].

Apart from organized activism, there are also examples of individuals who courageously express their support to the community in public. At AUC in Cairo earlier this year, the rainbow flag appears among the crowd during a Mashrou' Leila concert. The following day, Lebaneese lead singer Hamed Sinno, who is among few openly gay celebrities in the Middle East, applauds the act on his Instagram with a big shoutout: "A rainbow flag, in public in Cairo [...] Whoever you were, your courage is bloody inspiring" (*Scoop Empire*). The statement sheds light on the danger and controversy connected to being openly gay in Egypt. Another celebrity who is vocal about her support to the LGBT community is Egyptian director Enas El-Deghedy. In the TV show *100 questions* she affirms that most of her male friends are gay, but that they would never expose themselves as such, adding: "naturally, since the society does not protect them [...] the society doesn't look after anyone who is different..." (*al-Yawm al-sābi*) [ACelebrities][AVoice vs. Silence].

A coalition gathering the five LGBT Tunisian associations is created in order to submit a report for the Universal Periodic Review which will take place in May 2017 and during which Tunisia will present the progress it has achieved in respecting and defending "human rights" (HRW, Oct. 6). The activists gather information about the different forms of judicial and social violence and discrimination against LGBT people and supported by a dozen feminist and human rights associations, formulate recommendations, among them the harmonization of the penal code with the new Constitution and the various treaties and conventions ratified by the Tunisian state. It also appeals to prohibit the practice of "anal tests" as evidence of homosexual practices. The "anal test" is practiced by state doctors, ordered by a judge when a man is suspected of having sexual intercourse with men, a procedure which is also

frequently used in Egypt. It is not a new practice (DAMJ), but the liberation of media since the revolution has revealed its existence to a wider public. The activists continue to denounce on Facebook this "shameful practice" with the slogan "Anal test—national shame." Since it violates the intimacy of the body, it is denounced as institutionalized rape. Two other arguments are emphasized. First, the activists constantly repeat that the "anal test" has no medical or scientific basis and consequently cannot "prove" the homosexuality of a man. Secondly, that the practice is contradictory to the International Convention Against Torture, which Tunisia has ratified, and that the "anal test" consists of a torture practice. In the report, the associations also claim to allow transsexual and transgender people to be recognized in official documents relating to identity, they urge the Tunisian state to enact a law criminalizing all forms of discrimination as well as incitement to hatred and violence against LGBT people, to recognize hate crimes against LGBT people and consider these crimes as aggravating circumstances for judgments, to establish facilities to provide medical, psychological, sociological and judicial guidance and support for LGBT people victims of violence. The report also deals with socio-economic discriminations and urges the state to guarantee to all citizens access to medical and education services without any discrimination, to grant access to a decent job for LGBT people and to sanction employment discrimination. It recommends the introduction of an inclusive sexual education in a curriculum that promotes diversity.

In June, LGBT activists express their solidarity with the victims of the hate crime in Orlando, by posting messages, photos of signs and candles and slogans on the internet. Meanwhile, in Egypt, the government issues a statement saying that "Egypt stands next to the American people in these difficult times, offering sincere condolences to the families of the victims and wishing the injured a speedy recovery." Three days later, two 18-year olds are arrested on charges of debauchery (WIRTSCHAFTER).

Related Entries

ARRAYS — Celebrities ♦ Clash ♦ Downtown/Centre-ville ♦ Language ♦ Psychiatrists ♦ Suicide ♦ Social Media

CODES - Male vs. Female ♦ Voice vs. Silence

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