

Rapporto di ricerca COI Realizzato dall’Ufficio Immigrazione di ARCI nazionale
 - Lavori preparatori- aggiornato al 22 marzo 2023

CONTESTO		NOTE
Paese di origine	Tunisia	N/D
QUESITO COI		NOTE
Tematica	GBV	M
Formulazione quesiti COI	<p>1. Informazioni sulla presenza di fenomeni di violenza di genere, con particolare attenzione alle vittime di genere maschile</p> <p>2. Risultano informazioni su fenomeni di omicidi di onore e vendette familiari basati sulla violenza sessuale</p>	
<p>Nota metodologica</p> <p>1. In considerazione delle tempistiche della ricerca, il presente rapporto risulta essere il mero lavoro preparatorio di un rapporto maggiormente dettagliato. In questo senso il rapporto non può essere considerato concluso ed esaustivo;</p> <p>2. le fonti in lingua araba, non potendo fornire una traduzione certificata del testo sono state brevemente riassunte nei contenuti. In nota i paragrafi in lingua originali interessati;</p> <p>3. Il presente Ufficio resta a disposizione per confrontarsi relativamente alle fonti e ai contenuti citati, oltre che per eventuali approfondimenti rispetto ai quesiti posti, le risultanze emerse e altre tematiche.</p>		
		<p>Roma 22/03/2023</p>

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Per poter inquadrare il tema delle violenze sessuali rivolte verso gli uomini in Tunisia, considerando la minore letteratura disponibile sul punto, si reputa opportuno analizzare brevemente il rapporto della società tunisina con la violenza di genere rivolta verso le donne.

In questo senso, le fonti internazionali sono sostanzialmente concordi nel descrivere un ampio spettro di stigmatizzazione della vittima (seguita da colpevolizzazione della stessa, umiliazione pubblica ecc). In questo senso, i crimini di violenza sessuale non vengono spesso denunciati da parte delle vittime:

“..The true scale of sexual violence is unknown as it is under-reported. Many survivors do not come forward out of fear of being accused of complicity in the crime and publicly shamed. As a result, many suffer in silence. When the crimes go unreported, the perpetrators are emboldened to repeat abuses and impunity is entrenched. According to women’s rights defenders, media reporting of violence against women is often sensationalist and contributes to the stigmatization of survivors.”¹

1 AI, Assaulted and accused, 2015, available at: https://www.amnesty.org.uk/files/tunisia_assaulted_accused_executive_summary.pdf?VersionId=F0RlajVDXB5d8UXyFiwFMRNEADXXKfSeD , accessed on 22 March 2023

Ciò anche considerando come spesso i meccanismi di protezione statale e di giustizia, risultino generalmente inefficaci. A titolo esemplificativo le fonti sottolineano come spesso la singola testimonianza della vittima non sia sufficiente a fondare la condanna della vittima:

“...Even if Sarah’s account was reported to police, a judge could have easily dismissed the case based on a lack of evidence. In Tunisia, “he said-she said” always works in favour of the man. Amnesty notes “testimony of the survivor is usually considered insufficient on its own”. Sarah thought she saved herself more suffering just by letting her case blow over. The other victims of her advisor probably thought the same ..”²

Similmente, sulla violenza sessuale come *taboo* culturale e sulla pressione culturale che tende a dissuadere le vittime dallo sporgere denuncia:

“...Rape remained a taboo and underreported subject. Cultural pressures often dissuaded victims from reporting sexual assault. Convictions for sexual violence were far below the number of actual incidents. A March 2015 study by UGTT’s National Commission of Working Women indicated that 32 percent of all women experienced some kind of physical violence, 29 percent experienced psychological violence or harassment, 16 percent suffered sexual violence or exploitation, and 7 percent experienced economic violence, including financial exploitation, extortion, or deprivation of money or the necessities of life. A large portion of violence against women occurred within marriage, according to the study....”³

Similmente le fonti sottolineano la mancanza di fiducia verso le forze dell’ordine, e un sistema probatorio particolarmente oneroso per la vittima, risultando in un tasso diffuso di mancata denuncia e/o mancata azione penale:

“...A 2015 Amnesty International report cited several reasons for underreporting and lack of prosecution for rape and sexual assault, including evidentiary standards that place a high burden on the victim, lack of trust in police and the judicial system, and an inadequate legal definition of sexual assault...”⁴

Le stesse considerazioni sembrerebbero valere anche nel caso della violenza sessuale subita dai maschi. In questo senso, si conferma (se non in maniera ancora più esplicita), il rischio di contraccolpo sociale e di stigmatizzazione che la vittima rischia di subire in caso di denuncia dell’abuso sessuale:

2 MeE, Beneath veneer of progress, sexual assault common in Tunisia, 2015, available at: <https://www.middleeasteye.net/fr/node/48796> , accessed on 22 March 2023

3 USDOS, 2016 Country Reports on Human Rights Practices: Tunisia , available at: <https://2017-2021.state.gov/reports/2016-country-reports-on-human-rights-practices/tunisia/index.html> e ancora, concordemente, nella più recente versione: “..*The government did not systematically track the number of rape cases. Civil society representatives reported anecdotally few rape cases resulted in a conviction. Rape remained a taboo subject, and cultural pressures often dissuaded survivors from reporting sexual assault...*”USDOS, 2022, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/tunisia> , accessed on 22 March 2023

4 USDOS, 2016 Country Reports on Human Rights Practices: Tunisia , available at: <https://2017-2021.state.gov/reports/2016-country-reports-on-human-rights-practices/tunisia/index.html> , accessed on 22 March 2023

“...Men in Tunisia risk harsh social backlash when deciding to tell their stories of sexual abuse, and while testimonies are helping male survivors find their voices, the vast majority decide to speak anonymously.

"If life was simpler, I would be able to share all my stories and raise awareness about how sexual assault happens to young boys of all ages," one man confided to the EnaZeda private Facebook group..."⁵

Questo considerando come l'abuso dell'uomo tende a ripercuotersi direttamente sulla percezione stessa della mascolinità della vittima, trasmettendosi alla stessa famiglia di appartenenza, che talora può decidere di trasferirsi:

"..In fact, Nafetti said sexual abuse of men is perceived as "catastrophic" in Tunisian society. "It is an event that destroys masculinity, or that is what is meant by it. It affects the whole male family line. I sometimes see families of male victims moving to another place," she said..."⁶

A ciò sarebbe da aggiungersi il potenziale cortocircuito normativo cui la vittima potrebbe andare incontro in caso di denuncia della violenza subita. In questo senso le fonti segnalano casi di incriminazione (e condanna) della stessa vittima in forza dell'art. 230 del codice penale tunisino, che punisce il reato di atti sessuali tra adulti dello stesso sesso:^{7 8}:

"...Before 2017, rape of men did not exist in the Tunisian penal code. Instead, in such cases, the law recognised only "moral offences". Legally, perpetrators risk lifetime imprisonment. In practice, however, it is not always wise to go to the police, according to survivors. Tunisia's sex workers face 'moral crusade' and precariousness Read More » "Never, never go to the police. If you are lucky, in the best of cases, they will make fun of you, if they don't arrest you," Jelifi said. He cited Article 230 of the penal code, which punishes sexual acts between two consenting adults of the same sex by up to three years of imprisonment. In February 2019, a man known as Ahmed was sentenced to six months in jail after he reported being raped and assaulted by two thieves..."⁹

5 Middle East Eye, 2020, Tunisia: Male survivors of sexual assault determined to speak o, accessed on 22 March 2023ut despite risks, available at: <https://www.middleeasteye.net/news/tunisia-enazed-male-survivors-sexual-assault>

6 Middle East Eye, 2020, Tunisia: Male survivors of sexual assault determined to speak out despite risks, available at: <https://www.middleeasteye.net/news/tunisia-enazed-male-survivors-sexual-assault> , accessed on 22 March 2023

7 Per un focus sull'art. 230 del Codice Penale e la criminalizzazione della sodomia Tunisia, si veda: Adilitn, Processus de dépenalisation de l'homosexualité | Expériences comparées et état des lieux en Tunisie, available at: https://issuu.com/avocatssansfrontieres/docs/processus_de_depenalisation_de_l_homosexualite , accessed on 22 March 2023

8 Similmente: "...More recently, the public has rallied around "*Marwan*", a 22-year-old student convicted of sodomy charges in September 2015, whose appeal trial is ongoing..." AI, 2015, Tunisia – Stop punishing survivors, available at: <https://www.amnesty.org/en/latest/campaigns/2015/12/my-body-my-rights-tunisia/> , accessed on 22 March 2023 , e ancora: "...A Tunisian man has been sentenced to six months in prison on charges of homosexual conduct, after he reported being raped and assaulted by two thieves. The man – identified only as Anas – reported his assault to a police station in the coastal city of Sfax on 2 January, but following initial questioning the 22 year-old was accused of homosexuality, a crime punishable by up to three years in prison..." Middle East Monitor, Tunisia rape victim jailed for homosexuality , 2019, available at: <https://www.middleeastmonitor.com/20190212-tunisia-rape-victim-jailed-for-homosexuality/> , accessed on 22 March 2023

9 Middle East Eye, 2020, Tunisia: Male survivors of sexual assault determined to speak out despite risks, available at: <https://www.middleeasteye.net/news/tunisia-enazed-male-survivors-sexual-assault> , accessed on 22 March 2023

Nell’ambito della violenza sessuale in Tunisia, sulla mancata effettiva efficacia della azione penale e sulle ripercussioni di naturale sociale e psicologica, le fonti segnalano altresì notizie di violenze a danno di bambini

“...Although many children are subjected to rape, they fail to provide the evidence necessary to convict. This can have mental and social repercussions on the victims for the rest of their lives,” said child protection judge Asmahan Buthrewa. ...”¹⁰

Coerentemente, altre fonti media nazionali segnalano l’incidenza della violenza sessuale su minorenni in Tunisia, seppur considerando come le statistiche non corrispondano a realtà, anche a causa della tendenza delle famiglie a non denunciare l’accaduto, per scongiurare lo scandalo^{11 e12}

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2. Risultano informazioni su fenomeni di omicidi di onore e vendette familiare basati sulla violenza sessuale

Dalle fonti consultate non risultano informazioni dirette relative a fenomeni di HBV (“honor based violence”) o faide familiari legate alla violenza subita da un membro maschile della famiglia. Tuttavia può essere utile notare come le fonti riconoscano la presenza di omicidi di onore perpetrati da parte della stessa famiglia nei confronti della donna reputata colpevole di aver macchiato l’onore familiare¹³:

“...Andrea Smith (2004) analyzes the statements of a witness of the honor killing of a woman on the Tunisian island of Djerba. The witness was a member of the same community and believed that the action was ‘motivated not by personal interests or individual idiosyncrasies, but by specific

10 ARIJ,2016. Tunisia's Unpunished Child Molestation, available AT: <https://en.arij.net/investigation/tunisia-unpunished-child-molestation/> , accessed on 22 March 2023

11 Africagateneews, 2014, available at: <https://www.africagateneews.net/article/ظاهرة-اغتصاب-الأطفال-في-تونس-تؤرق-المجتمع/> , accessed on 22 March 2023, specificatamente sul punto in cui si rinvia alla intervista a Mehyar Hammadi, delegato generale per la protezione dell’infanzia : “... “حماية الأطفال من ...” وأشار إلى أنه على الرغم من إعلان بعض الأرقام الاستغلال الجنسي والاعتصاب بين أولويات عمل مندوبي حماية الطفولة في كل الجهات”. والإحصاءات التي توضح ارتفاع نسبة الاعتداء على الأطفال إلا أن الحقيقة أخطر مما هو معلن، خاصة وأن أغلب الحالات لا يتم الحديث عنها نظراً لحساسية الموقف، خصوصاً أن أغلب العائلات التي تصادفها مثل هذه الحالات تتكتم ولا تبوح، درءاً للفضيحة. وبينت الإحصاءات عن الاعتداءات الجنسية التي تعرض لها الأطفال حدوث 152 حالة اعتداء عام 2012، فيما بلغت 332 حالة اعتداء جنسي”

12 Concordemente, in relazione alla omertà delle famiglie dei minorenni vittime di violenza sessuale, in special modo maschi, al fine di tutelare i concetti di mascolinità e virilità in una società in cui il governo sociale viene considerato più rilevante della sentenza giudiziaria si veda l’articolo: Ultratunisia, 2019, Available at: <https://ultratunisia.ultrasawt.com/قصص-اغتصاب-الذكور-مأساة-تقوض-ثوابت-المجتمع-الذكوري-يسرى-الشيخاوي/مجتمع/تقارير-> e specificatamente il passaggio: “...

ويرى الباحث في علم الاجتماع أن المجتمع الذكوري التونسي سيبقى يخفي مثل هذه الاعتداءات على الأطفال من الذكور “وذلك لما فيه من إنقاص لمفاهيم “...”الرجولة والفضولة في مجتمع يكون فيه الحكم المجتمعي أفسى من الحكم القضائي” , accessed on 22 March 2023

13 Similmente: “...A Tunisian man has been accused of burning his 13-year-old daughter on 28 May in the Tunis suburb of Cite Ibn Khaldoun because she was walking home from school with a male class mate. The young girl named Aya succumbed to the fourth-degree burn wounds on 7 June after a nine-days-fight in hospital. The incident has been framed an “honor killing” – a crime committed when a family member is considered to have brought shame on the family – and Aya’s father has been arrested. Unlike in many other countries across the region these crimes are “almost unheard of” in Tunisia, reports Tunisia Live...”HBV, Tunisian protest in solidarity with 13 year old who was burned to death in honor killing, available at: hbv-awareness.com/tunisians-protest-in-solidarity-with-13-year-old-who-was-burned-to-death-in-honor-killing/ , accessed on 22 March 2023

cultural codes regarding honorable behavior.’ In the eyes of the witness, ‘the murder is reframed as a culturally justified, and perhaps even expected, ‘honor’ killing’ (Smith, 2004: 109–110). Smith highlights how the shared beliefs and practices related to ‘honour, shame and the provision of hospitality in this small community’ (2004: 109) provide members of the community with a meaning for and justification of the woman’s murder. In the case of honor killing, those who commit the murder believe that they have done the right thing. Additionally, perceptions of maintained or restored honor and face in the community give perpetrators a positive self- image..”^{14e 15}

O nei confronti del membro maschio della famiglia, in presenza di un veri o presunto orientamento omosessuale:

“...ther respondents also noted that the victims of honour killings are not only women, but men (mostly homosexuals) as well. For example, a 22 year old German student described the case where “a guy had a boyfriend and when the family caught the relationship, his brother and uncle tortured him and wanted to kill him”. Another respondent, a 21 year old student from Tunisia, recalled a case that happened in Tunisia: “A brother realised his brother was gay, so he and his mother killed that brother and burned him in the garden. Later the corpse started smelling and the police found it.” Such examples show that homosexual people cannot feel safe even in their own homes as they are killed by the closest members of their family...”¹⁶

Allo stesso tempo tuttavia, altre fonti danno conto della esistenza di faide familiari basate su questioni di onore (come nel caso di matrimoni antireligiosi):

“...Many Tunisians see the removal of the marriage restriction as another landmark in guaranteeing women's freedom in the country. It sets apart Tunisia as the first country in the Middle East and North Africa to remove the legal hurdles to marrying outside the official state religion. It is an important milestone in a region where religion in marital ties can be at the heart of many a family feud, and long struggles against state laws...”¹⁷

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2. MeE, Beneath veneer of progress, sexual assault common in Tunisia, 2015, available at: <https://www.middleeasteye.net/fr/node/48796>

14 Social Science Information 2021, Vol. 60(1) 86–106, Honor killing as a dark side of modernity: Prevalence, common discourses, and a critical view, available at: <https://journals.sagepub.com/doi/pdf/10.1177/0539018421994777> , accessed on 22 March 2023

15 Per una analisi più in generale (tenendo altresì in conto la cultura tunisina), si veda: Sociology Compass 10/5 (2016), 353–363, 10.1111/soc4.12367, A Review of the Literature on Honor-based Violence, available at: <https://www.hra-project.eu/images/library/032020/5.pdf> , accessed on 22 March 2023

16 Mykolo Romerio Univeristars, Mokslinis žurnalas, ISSN 2335-2035 (Online), HONOUR KILLINGS: A SOCIAL AND LEGAL APPROACH, DOI: 10.13165/PSPO-20-25-12 , accessed on 22 March 2023

17 BBC, 2017, Tunisian women free to marry non-Muslims ,available at: <https://www.bbc.com/news/world-africa-41278610> , accessed on 22 March 2023

3. USDOS, 2016 Country Reports on Human Rights Practices: Tunisia , available at: <https://2017-2021.state.gov/reports/2016-country-reports-on-human-rights-practices/tunisia/index.html>
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