

## Gender Equality and Equal Opportunities for all

**“All human beings are born free and equal in dignity and rights”.**

Universal Declaration of Human Rights

Throughout the history, United Nations (UN) has played a role to ensure equal opportunities for all and assist marginalized groups / minorities which often lack representation and political power, and could be possible subjects to the discrimination, groups whose chances of enjoying full rights as everyone else are often limited.

At the basis of this approach, equality cannot limit itself to the “equal treatment”, it requires “fairness” in the sense that everyone should have a genuine opportunity to develop its capabilities throughout life, and that all circumstances which may impact individuals’ chances of living a full

life should be eliminated. For instance, in order to ensure equal opportunities for all, several concepts of equality, such as “equality of opportunity” and “equality of outcomes” have been developed to provide a framework for policies, initiatives and philosophical and political discourse.

These concepts are part of the ongoing philosophical and political discourse around equality and discrimination and are still widely debated.

At the basis, is the principle that discrimination and inequality exist in society and should be understood and accounted for.

*LGBTI stands for lesbian, gay, bisexual, transgender and intersex, terms which indicate people's sexual orientation or gender identity.*

*Sexual Orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviours, and membership in a community of others who share those attractions. Three sexual orientations are commonly recognised - heterosexual, homosexual (gay and lesbian) and bisexual.*

*Homophobia refers to fear of or prejudice and discrimination against LGB people. It is also the dislike of same-sex attraction and love or the hatred of people who have those feelings. The term was first used in the 1970s and is more associated with ignorance, prejudice and stereotyping than with the physiological reactions usually attributed to a ‘phobia’. While homophobic comments or attitudes are often unintentional, they can cause hurt and offence to LGB people.*

*Transphobia refers to fear of or prejudice and discrimination against people who are transgender or who are perceived to transgress norms of gender, gender identity or gender expression. While transphobic comments or attitudes are often unintentional, they can cause hurt and offence to transgender people.*

- The “equality of opportunity” approach focuses on the existence of past discrimination, leaving people and groups at different starting points, and seeks to rectify said discrimination by providing all contestants to a position an equal chance to win it, eliminating discrimination in the selection process for education, employment and other positions based on race, colour, age, sex, religion, disability, national origin, etc. (Clifford, 2008)

- The “equality of outcome” approach on the other hand, shifts the focus on well-being throughout the life-cycle, underlying that some kind of redistribution of resources and wealth is necessary in order to allow all people not only the right to access the position they seek, but also the possibility to live a life on an equal basis with others. While developing his capability approach, Amartya Sen developed the concept of “basic capability equality”, which focuses on a person's ability to function and to achieve. (Sen, 1980)

In this framework, equality is the prerequisite for the enjoyment of human rights for all, as sanctioned in international conventions and declarations, and thus an inherent end-goal towards which society should move steadily. But a more equal and inclusive society is also functional to achieving universally desirable development outcomes: attaining important development targets is impossible if the needs of vulnerable groups are not adequately answered to and their rights not adequately protected. A more inclusive society is beneficial to humanity as a whole and the integration and empowerment of vulnerable groups yields returns in terms of income per capita, reduction in public spending and more secure societies.

1: Ivi p. 25

2: See the European Youth Forum: Survey on “Youth and Multiple Discrimination in Europe”, Nov. 2014 available at [www.youthforum.org/.../Survey-on-Youth-and-Multiple-Discrimination.pdf](http://www.youthforum.org/.../Survey-on-Youth-and-Multiple-Discrimination.pdf)

3: EU LGBT survey. Main results. FRA, 2014 (p. 15)

4: Ivi p. 9

These vulnerabilities can be faced by individuals and groups at different stages of their lives. As for individuals, we are talking about children, young people and the elderly, while with groups we refer to the poor, women, ethnic minorities, people living with disabilities, migrants and LGBT people.

Enhancing the wellbeing of discriminated / marginalized groups requires more than actually intervening to reduce their vulnerability, but necessitates that the economic, social, legal, cultural and material barriers that determine their lack of opportunities and choices are actively removed by approaches that recognize the inherent right to dignity, wellbeing and equal chances for all. Policies and approaches to build the resilience of vulnerable or socially excluded groups and promote equality should

work on different levels, in order to create mutually reinforcing contexts, by strengthening:

- Universal provision of basic social services (such as education, health care water supply and sanitation);
- Social protection mechanisms and employment policies for all;
- Improving the quality of life of particularly vulnerable groups with targeted measures;
- Tackling discrimination through legal reform and norm-based messages to challenge existing hierarchies and power relations; promote and support civil society mobilization and public activism to influence pro-people policies and outcomes. (UNDP, 2014).

*For further information, check the 2014 version of Dossier #4*

*The right to non-discrimination is an irrefutable right for everyone, which must be guaranteed for future generations, in all aspects of life discarding their lack of knowledge is an important step to dismantling the barriers to equality<sup>1</sup>.*

## Young people: inequality and lack of opportunities

Age (particularly 18-24) is considered, perceived and experienced as inequality ground per se. This ground intersects, adds to and multiplies many other grounds which, jointly with structural and institutional barriers, prevent many young people from enjoying equal opportunities and substantive equality<sup>2</sup>.

According to Oxfam's report Youth and Inequalities Time to support youth as agents of their own future, "The youth population of the world is the largest it has ever been: 1.8 billion people between the ages of 10 and 24, the majority of whom live in urban areas of developing countries. Given their numbers, youth could offer many of the world's poorest countries a 'demographic dividend': when today's young people attain working age, they will far outnumber

the dependent population. With the right investments and policies aimed at youth, across sub-Saharan Africa that dividend could be as much as one-third of the region's current GDP, for as many as 30 years.

Despite their strength in numbers and their creative potential, youth are largely excluded from formal political processes and continue to be subject to age-based systems of authority. Even though they will bear the brunt of the world's unsolved dilemmas, like the effects of climate change, they are marginalized politically and culturally.

This sad fact is evident in adult-centric public policies and in social norms and values that usually fail to take into account of young people's views, interests or voices."

*Under EU law, the principle of equal treatment constitutes a fundamental value of the European Union, which ensures both respect for human dignity and full participation on an equal footing in economic, cultural and social life. Article 21 of the Charter of Fundamental Rights of the European Union act: «Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited».*

## The MedNet dimension of LGBTI people

***“Let me say this loud and clear: lesbian, gay, bisexual and transgender people are entitled to the same rights as everyone else. They, too, are born free and equal. I stand shoulder-to-shoulder with them in their struggle for human rights”.***

Ban Ki-moon, UN Secretary-General, New York, December 11, 2012

According to the UN Office for the High Commissioner for Human Rights report on the global human rights of lesbian, gay, bisexual and transgender (LGBT) people, increasing homophobic and transphobic violence has been recorded in every region of the world. For this reason, now more than ever, it is extremely urgent to address issues related to the equal opportunities of the LGBTI people, especially with regard to awareness raising, access to justice, civil rights campaigns, improvement of the visibility in the Media, and their participation in public and political life. At the same time, thanks to the work of activists and opinion leaders and the enactment of laws

for the advancement of equality in rights, the international debate on the subject is extremely developed and opens up new windows of opportunity for formalization / institutionalization of the positions shared by the youth organizations. As it is mentioned in the European report on LGBT people (FRA, 2014), they face obstacles to the full enjoyment of their fundamental rights. A large number of respondents at the UE survey said they had been discriminated against in various areas of life, in particular in employment and education. Many respondents have also been victims of violence and harassment, frequently in public places. Nevertheless, they rarely

report either discrimination or incidents of violence or harassment to the police or other authorities. In their daily lives, many survey respondents are not open about being LGBT with their family and a majority avoid holding hands with their same-sex partner for fear of victimisation<sup>3</sup>. Younger respondents were more likely than older respondents to perceive their environment as intolerant towards LGBT people. Respondents in the youngest age group (18 to 24 years), for instance, were the least likely to be open about being LGBT and the most likely to state that they had been victims of violence or discrimination in the year before the survey because they were LGBT<sup>4</sup>.

## Flash insights from the Med countries<sup>5</sup>

COUNTRY – LGBT RIGHTS	SAME-SEX SEXUAL ACTIVITY	RECOGNITION OF SAME-SEX UNIONS	SAME-SEX MARRIAGE	ADOPTION BY SAME-SEX COUPLES
ITALY	Legal since 1890 + UN decl. sign	Since 2016, while we were writing these Dossiers	X	X STEP-CHILD ADOPTION PENDING)
TUNISIA	X Illegal Penalty: 3 years' imprisonment Article 230 of the Tunisian Penal Code criminalises homosexuality	X	X PENDING	X
LEBANON	Legal since 2014	X	X	X
EGYPT	X De facto - Up to 17 years' imprisonment with or without hard labour and with or without torture and fines under broadly written morality laws	X	X	X
MOROCCO	X Illegal Penalty: Up to 3 years' imprisonment	X	X	X
BOSNIA AND HERZEGOVINA	Legal since 1998 in the Federation of Bosnia and Herzegovina, Repu- blika Srpskasince 2000 and Brcko District since 2001 + UN decl. sign	X	X	X

COUNTRY – LGBT RIGHTS	LGBT ALLOWED TO SERVE OPENLY IN MILITARY?	ANTI-DISCRIMINATION LAWS	LAWS CONCERNING GENDER IDENTITY/EXPRESSION
ITALY	V	Bans some anti-gay discrimination	Since 1982 legal recognition and documents can be amended to the recognised gender.[415] The Court of Cassation decided in 2015 that sterilisation is not required
TUNISIA	X	X	X
LEBANON	X	X	X
EGYPT	X	X	X
MOROCCO	X	X	X
BOSNIA AND HERZEGOVINA	V	Bans some anti-gay discrimination	X

<sup>5</sup>: Discover more about each country exploring the Mednet country report!  
This sources are included in the Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2016 produced by ILGA-Europe. This publication intends to serve as a tool for the exchange of best practices and policies, and as an open invitation for enhanced cooperation between governments and LGBTI civil society.  
<http://ilga.org/what-we-do/state-sponsored-homophobia-report/>

## Policies

*The past decade has witnessed a growing number of international and national developments addressing the fundamental rights of lesbian, gay, bisexual and transgender (LGBT) persons. Standards on non-discrimination and equality for LGBT persons have been further developed or reinforced by the European Union (EU), the Council of Europe and the United Nations (UN). Sexual orientation and gender identity have increasingly been recognised as grounds of discrimination in European and national legislation. Today, the situation of LGBT persons in the EU is no longer a marginalised issue but a recognised human rights concern.*

Despite this explicit stance by the European Union, de facto, the current social situation of gay, lesbian, bisexual and transgender people in different European and MENA countries remains largely difficult. LGBT people still face violence,

lack of freedom of assembly and expression and problems with freedom of movement for both couples and their children. As Mednetters, we are committed to taking action in order to improve their lives.

### ITALY / 11/05/2016 WHEN UNIONS BETWEEN SAME-SEX BECAME A REALITY

Italian legislators are faced with the challenge of making effective laws to protect its LGBT community against abuse and discrimination, while upholding civil liberties such as the freedom of speech and expression. In 2008, 2009 and 2011 proposals to include LGBT discrimination were discussed in Parliament but they were eventually turned down. On 11 May 2016, a landmark

"regulation of civil unions between same-sex and discipline of persons" has been finally adopted as the draft law.

The law (Law 20 May 2016 n. 76) introduced into the law an institute of civil union between persons of the same sex as a specific social formation within the meaning of Articles 2 and 3 of the Constitution.

### BOSNIA AND HERZEGOVINA / DISCRIMINATION IS PROHIBITED BUT SAME-SEX MARRIAGE AS WELL

Bosnia and Herzegovina does not recognize any same-sex marriage nor civil partnership for same-sex couples. The Family Codes of both entities in Bosnia and Herzegovina limit the marriage to a man and a woman.

The prohibition of discrimination on the grounds of sexual orientation in BiH was first introduced in 2003 by adopting the Law on Gender Equality

of Bosnia and Herzegovina, which prohibits discrimination based on gender and sexual discrimination. Better protection for LGBT people from discrimination was achieved in 2009 when the Law on Prohibition of Discrimination in Bosnia and Herzegovina, which explicitly mentions "gender, sexual orientation and gender expression".

### LEBANON / FIGHTS TO ABOLISH ARTICLE 534

The situation in Lebanon remains difficult - impacted by religious leaders, Article 534 of the Lebanese Penal Code prohibits having sexual relations that are "contradicting the laws of nature", it states: "Any sexual intercourse contrary to the order of nature is punished by imprisonment for up to one year."

The vaguely worded article has and is still being used to crackdown on the LGBT community in Lebanon. As a practical matter, enforcement of the law is varied and often occurs through

occasional police arrests. While Lebanon remains far from an LGBT-friendly country, activists have been able to log a few wins.

In particular, two landmark rulings in 2009 and 2014 set important legal precedents in the fight to abolish Article 534.

The judges in both cases acquitted defendants charged under 534, arguing that conceptions of nature are socio-cultural constructs, making it impossible to designate any behaviour categorically unnatural.

### TUNISIA / FIGHTS TO ABOLISH ARTICLE 230

Lesbian, gay, bisexual, and transgender (LGBT) persons in Tunisia face legal challenges not experienced by non-LGBT residents. Both male and female same-sex sexual activity is illegal in Tunisia. Article 230 of the Penal Code of 1913 (largely modified in 1964) decrees imprisonment of up to three years for private acts of sodomy between consenting adults.

Cross-dressing is not expressly illegal, although transgender people, along with gay people, are oftentimes accused of violating Article 226 of the national penal code which outlaws "outrages

against public decency".

The path forward for LGBT activists in Tunisia remains challenging, but there are reasons for optimism. A judge recently threw out a case of eight men arrested on charges of violating Article 230, marking the first time men arrested on charges of violating this article were found not guilty. In addition, although most mainstream politicians either oppose repealing Article 230 or are afraid to speak about it, Afek Tounes, the party with the fifth-most seats in parliament, supports repealing the law banning sodomy<sup>6</sup>.

6: <http://www.al-monitor.com/pulse/originals/2016/05/tunisia-lgbt-homophobic-attacks.html>

## MOROCCO / FIGHTS TO ABOLISH ARTICLE 489

The legal status of LGBT people living in Morocco stems largely from traditional Islamic morality, which views homosexuality as a sign of immorality. Article 489 of the Penal Code of Morocco criminalizes "lewd or unnatural acts with an individual of the same sex." Same-sex sexual activity is therefore illegal in Morocco and can be punished with anything from 6 months to 3 years imprisonment and a fine of 120 to 1200 dirhams. Moreover, there is no legal recognition of same-sex couples and discrimination or harassment on the basis of sexual orientation or gender identity is not addressed in any civil rights laws.

Parliament is preparing to examine revisions to the penal code and should remove from the draft

the provisions that leave intact criminal charges for same-sex "deviant acts," with possible prison terms of up to three years. Indeed, criminalizing consensual, adult homosexual conduct violates international human rights law. The International Covenant on Civil and Political Rights (ICCPR) bars interference with the right to privacy, which Morocco's constitution protects in article 24. The United Nations Human Rights Committee, international experts who interpret the covenant, has condemned laws against consensual homosexual conduct.

The United Nations Working Group on Arbitrary Detention has held that arrests for consensual homosexual conduct are, by definition, human rights violations.

## Good Practices

### ITALY / RAINBOW COORDINATION

On the International Day Against Homophobia and Transphobia, celebrated throughout Europe on May 17, the Rainbow coordination, involving with Arcigay Milano 16 LGBT associations in the Milan area, organized a month of initiatives to

reaffirm the urgency of policy and action against homophobia and for the legal development of our country and to emphasize the need to lay and autonomous institutions from any influence and interference of religion.

### BOSNIA AND HERZEGOVINA / OVERCOMING DIFFICULTIES

In February of 2004, the Association Q from Sarajevo was registered as the first LGBT association in BiH, which made BiH the last country in former Yugoslavia to set up one, significantly lagging behind Serbia, Croatia and Slovenia. The first major and central event for LGBT activism in BiH in 2007 was Queer Sarajevo Festival which was violently interrupted by the football fans and members of Wahhabi movement. After the

attack, Queer Sarajevo Festival becomes a source of great trauma and fear for LGBT community and most of the activism is stopped. Soon after, the Association Q stops functioning. Today, there are several associations and groups that work on promotion of LGBT rights in BiH, and those are: Sarajevo Open Centre, Okvir, Foundation CURE and Equilibrium from Banja Luka, as the first association formed outside Sarajevo.

### LEBANON / FIGHTING THE SYSTEM

Several NGOs, association and groups in the civil society have been acting out, defending LGBT people rights and seeking to provide them with opportunity within the society and ensure them their liberties and rights. The human rights community is just starting to include sexual orientation and gender identity in its agenda, thanks to the NGOs MIRSAD which first broke the silence and Hurriyat Khasa which is actively lobbying for the decriminalization of homosexuality in Lebanon. MIRSAD is the first human rights NGO on record to advocate for the human rights of the LGBT community in Lebanon by defending freedom of expression in the case of the website gaylebanon.com in 2000. Hurriyat Khasa is now spearheading the "Human Dignity in the Penal

Code" Forum which aims for, among other amendments, the annulment of Article 534. The Lebanese chapters of Amnesty International are also pioneers in terms of human rights since they introduced the notions of respect and tolerance towards gays and lesbians in their human rights and peace education youth camp in the summer of 2003. This activity was co-organized by Amnesty International and a number of Lebanese NGOs. Other human rights NGOs have also supported gay rights, be it directly or indirectly: League of Lebanese democratic women, Mouvement social, Nouveaux droits de l'homme, Foundation for human and humanitarian rights, Lebanese association for human rights, Rassemblement Canadien pour le Liban.

## TUNISIA / SOCIAL MEDIA FOR ACTION

Under Tunisian law, homosexuality is a crime, punishable by years in prison. But in the past few years, those who oppose the law have found an outlet for their dissent: social media. A new initiative has piqued the interest of a growing sector of Tunisia's public sphere. A Facebook page called "Decriminalization of Homosexuality in Tunisia" currently has several thousand followers. At the heart of this initiative are fifteen men and women who hope "to prove that homosexuals are citizens and patriots who are entitled to the same rights as the rest of the population."

**N. What advice do you have for young and budding gay rights activists in Tunisia who, just like you, want to change the climate of hostility against homosexuals in your country?**

*R. Never lower your head towards the continuing struggle, whether it's from inside or from outside Tunisia; we must be more united than ever, and all my respect and my solidarity is with the LGBT people who left Tunisia and who will be able to keep their head up high the day they will return to Tunisia.* Interview to Ramy Ayari, a young Tunisian LGBT activist, founder of the CSO "Without Restrictions".

## MOROCCO / KIFKIF ASSOCIATION

Following the arrest by the Moroccan police of 43 people in northern city of Tetouan, accused of carrying out "homosexual activity" on 1 June 2004, young homosexual Moroccans started an online international campaign for the release of the accused ones. The mobilization resulted in sending thousands of letters to major media and Western embassies in Morocco. To coordinate their actions, these young people set up an online group in 2004, which took the name of KIFKIF ("same"). This online forum was intended to help those Moroccans who do not find recognition in society because of their identity.

The KIFKIF Association, became structured as

soon as they felt the need to operate in a more effective and dynamic way. Since 2006 KIFKIF volunteers began a struggle for the legalization of the association in Morocco, but all attempts were rejected. Since 2008 they have been created outside of Morocco, several support groups that work with independent projects within local LGBT organizations. Since April 2010, KIFKIF publishes the monthly magazine Mithly, the first LGBT magazine printed in an Arab and Muslim country (meaning both "homosexual" and "myself"). The first issue was printed in 200 copies, distributed clandestinely in the city of Rabat. The magazine is published in two languages, Arabic and French.



# Country Reviews

## ITALY

According to Eurobarometer 2015, 73% of people surveyed in Italy believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 71% felt discrimination on this ground was widespread (EU 28 average was 56%). 72% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%).

Italy is still light-years away from the achievements in the field of LGBT rights in comparison to other European countries. The question of civil rights of the same-sex couples is a touchy subject in Italy and clearly reflects the social and cultural distance among Italy and other European countries. Despite the fact that the secularism of the Italian state is one of the central principle of the Italian Constitution, the influence of Catholic Church on these controversial subjects is undeniable and it conditions the political debates, which are biased and, consequently, in Italy there is a significant deficit of civil rights<sup>7</sup>. The current Italian efforts to contrast discrimination on grounds of sexual orientation and gender identity are

represented through the accession to the experimental project proposed by the Council of Europe in order to fulfill and implement the Recommendation of the Committee of Ministers CM/REC 5 (2010). Such efforts have been formalized in the Directive of the Minister of Labour by delegation of the Department for Equal Opportunity for the administration activity in 2012 and 2013. The above-mentioned Directive also assigns to UNAR, which operates within the Department for Equal Opportunity, the fulfillment of relevant operational objectives in the field of preventing and combating discrimination on grounds of sexual orientation and gender identity, and, in particular, the definition of a national Strategy in collaboration with the Council of Europe. It is an important and significant multi-annual project, which provides a cooperation among different institutional realities, the third sector and social partners for the implementation of those policies that prevent and combat discrimination towards LGBT people, which are in line with the above-mentioned Recommendation of the Committee of Ministers CM/REC (2010) 5, the focal point of the initiatives realized by the Department for equal opportunities and UNAR<sup>8</sup>.

<sup>7</sup>: LGBT civil rights in Italy: 20 year-delay with respect to Europe. Posted by Alessandra Parrilli (march 17, 2015) <http://www.cammino-diritto.it/articolosingolo.asp?indexpage=329>

<sup>8</sup>: Ivi p.5. [See also "Italy: the status of the Human Rights of Lesbian, Gay, Bisexual, Transgender and Intersex people. Submission to the United Nations Human Rights Council for its Universal Periodic Review of Italy"]

## BOSNIA AND HERZEGOVINA

Expressing sexual orientation in a public or in private life in a socialist Bosnia and Herzegovina was not only socially undesirable, but also punished by law. According to the Criminal Law of Bosnia and Herzegovina (1977) sexual relationship of two men had a characterization of 'unnatural sexual intercourse', while intercourse between women was omitted, like in most European countries. The punishment for same-sex intercourse was up to one year in prison, even if it happened under the privacy of their home. The latest significant survey about public opinion in BiH on the topic of homophobia was conducted during May of 2013 by Foundations Heinrich Boll and CURE, and Sarajevo Open Centre, in order to ascertain the degree of homophobia in BiH society. Goals of the

study are cognitive and pragmatic, because, in addition to gain insight into the general the structure of the observed phenomenon and its explanation, it opens up opportunities for different forms of activities in order to reduce homophobia in society. In comparison to 2013, violence against LGBT people increased. LGBT individuals, as well as LGBT activists, became the targets of more frequent attacks. However, during 2014, two judgments were delivered that confirmed the violation of the rights of LGBT people. A judgment of the Constitutional Court of BiH confirmed that the right to gather in public was violated in the case of the Queer Sarajevo Festival. This is the first decision of the Constitutional Court dealing with the rights of LGBT individuals in BiH.

## LEBANON

LGBTI people living in Lebanon are not being able to enjoy their rights nor opportunities freely, not being able to be themselves on a daily basis. This kind of intolerance is very dangerous, especially in a country like Lebanon where people still commit "honour killings" and where stigmatization has a direct bearing on one's physical integrity, as well as on his/her personal and professional life.

Despite the recent positive changes, being a gay person in Lebanon is still a taboo. In a country drenched by sectarianism, debates on homosexuality are easily dismissed, often in the name of religion. People in Lebanon, and across the region, still act like homosexuality does not exist in our society, it is

important that we start the conversation and get the issues out in the open, so people can start acknowledging it and then decide their stance on. The fight for LGBTI rights comes later on. We can start at school and local communities level paving the way to higher levels of tolerating LGBTI

***While Lebanese law does not explicitly criminalize homosexuality, Article 534 of the penal code, which prohibits "sexual intercourse contrary to the order of nature," is often used to prosecute LGBT people, even though "nature" has not been legally defined in Lebanon.***

## TUNISIA

In Tunisia, LGBT activists growing in numbers, especially on social networks. The Department of Justice recently rejected proposal from several CSOs (including the Tunisian Association of Democratic Women) to reform the penal justice code by repealing Article 230. There are about seven organizations in Tunisia that fight for the rights of the LGBT but you would not know it at first glance: only one of these organizations openly presents itself as such. Other LGBT organizations claim to fight for human rights or for minorities in general, despite focusing exclusively on gay rights. Shortly after the Jasmine Revolution of 2011, there was an explosion of new organizations advocating against issues such as pollution and torture and for women's rights. Following the implementation of a new law, it finally became possible to establish official organizations for these and other causes. The LGBT community embraced this opportunity with open arms. Advocacy groups,

most of which operate in the capital city, use social media to help the LGBT community with problems, inform them of their rights and fight discrimination. This is no easy task; according to the activists, the vast majority of the Tunisian population is homophobic. The advocacy groups emphasize different areas and try to achieve their goals in different ways. The past six months have been tumultuous for Tunisia's LGBT community.

In March a gay pride festival was held, perhaps for the first time ever in this North African country. The modest multi-day event took place at a university campus in Tunis. On 17 May, the International Day against Homophobia, several activities were organised by the LGBT community in Tunis as well. For security reasons, it was called a feminist art festival and the location, in the chic and liberal neighborhood of Carthage, a suburb of Tunis, was chosen carefully.

## MOROCCO

According to a composite of information on Gay Rights in Morocco, compiled by Asylum.org, while homosexual activity is illegal, the law is only sporadically enforced. There is a degree of tolerance in cities where there are more holiday resorts. Nevertheless, it still contravenes traditional Islamic morality and traditional gender roles, and as such is stigmatized and viewed as immoral. Cross-dressing is also considered to be taboo. The LGBTI community is at risk of arrest as well as verbal and physical violence. They are socially marginalized and must keep their sexual orientation a secret. According to the UNHCR

report, Morocco: Treatment of Homosexuals, Moroccan society does not even “suspect” that lesbians exist. It also suggests that homosexuals who do not hide their sexual identity are at risk of being harassed by the police.

*“If legislators want to harmonize Morocco’s laws with its 2011 Constitution, which guarantees the right to privacy, they should decriminalize the intimate lives of consenting adults,” said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch.”*

# Identity

Young people face multiple forms of discrimination based on ethnicity, gender, sexual orientation, social class, disability or just the fact of our age. These forms of discrimination reproduce and reinforce each other and accentuate social, economic and political exclusion that affect young people worldwide. They are a source of violence, poverty and conflict affecting to a great extent girls and young women. The systemic discrimination and violence experienced by some minority groups, such as indigenous peoples and refugees, are particularly alarming. We believe in and fight for a world where diversity is

our strength and where we are all free and have the same rights regardless of our differences. All actors in society should recognize diversity and promote inclusive policies that guarantee the rights of everyone and promote interconnectedness. Intercultural dialogues and solidarity should be promoted through innovative approaches starting at the local level. Young people must be able to advocate for plurality and combat discrimination in all areas without being subject to repressive action for doing so. Youth Manifesto to end Inequalities - Oxfam YAC (Youth Active Citizenship Community)<sup>9</sup>.

<sup>9</sup>: <https://oxfamactiveyouth.org/youth-manifesto-to-end-inequality/>

## Recommendations

The Dossier has shown how different, especially at the legislative level, is the context among the countries involved in this project, as well as highlighted how similar both the willingness and the commitment of our young people to improve it. By making our lessons learned from the many latest document and initiatives on LGBT people at international, regional and national level, as Mednetters we ask:

- TO ADOPT AN INCREMENTAL STEP-BY-STEP APPROACH. It is vital in determining what is feasible and possible when looking at the issue of LGBTI rights, bearing in mind the public’s readiness as well as cultural and social reality as key considerations.

- TO TAKE A HOLISTIC VIEW. LGBTI rights must also be looked at from a universal human rights perspective, covering a broad range of issues including the right to non-discrimination in services or the right to family. A

dialogical approach to engagement, which avoids reductionist binaries and encourages discussion, should be adopted. Various stakeholders should work closely together.

- TO BRING ALL SIDES TO THE TABLE. It is fundamental to engage groups who oppose LGBTI rights legislation, such as some conservative religious groups, in the process. Moreover, as discrimination is unjust, it is important for religious bodies to speak out against such injustice. Religious bodies should have an active responsibility to gain an understanding of and engage in the legislative process, as it is for the common good. Religious and cultural values should not be used to justify discrimination. Nevertheless, religious bodies may still maintain their own beliefs while also respecting secular law, and a balance may be struck if religious groups can still follow such beliefs in activities fundamental to their religion (such as performing marriage rites).

## The MedNet Project

*for the fulfillment of human beings' potential*

**WHERE** - The Mediterranean area

**WHO** - a Network of young people from countries of both sides of the Mediterranean basin

**WHY** - to reach common goals: to find shared and common solutions for the challenges that all young people of the Mediterranean area face daily.

**HOW** - Following Oxfam's Learn-Think-Act process and making our young people the protagonists! They make researches, collect data and support experts in setting up thematic Dossiers, then they reflect on the topics by taking part in online activities and finally they meet and... plan the actions that they want to take!

**The key point is adopt the youth perspective to produce and share knowledge and the good practices by young people for young people!**

For the second year of the project, the challenge accepted by the Mednetters was to enhance their role as researchers collecting first-hand experiences, starting from their own as key-players and witnesses to the youth condition within their own countries. Thus, during this year the experts have had the great opportunity to collect a series of qualitative thematic Country reports available to be read in a comparative perspective (for regional area) on which they were able to produce four renewed thematic Dossiers plus a new one that include both an overview on the topics that concern all the countries bordering the Mediterranean basin that of further informations about a specific context of each country.

**ARE YOU A YOUNG MEDITERRANEAN LEADER?  
THEN, IT IS YOU WE ARE LOOKING FOR!**



For further information,  
check the 2014 version  
of Dossier #1  
and the Country Reports

In collaboration with  
Impact Hub, Florence, Italy

