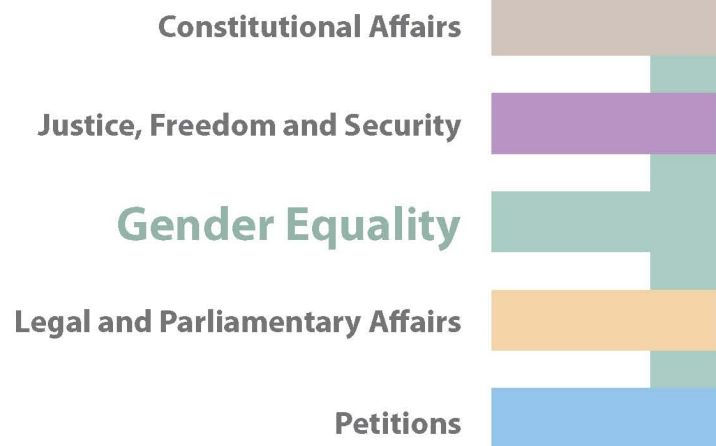


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# GENDER EQUALITY POLICY IN TUNISIA

NOTE





**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**WOMEN'S RIGHTS AND GENDER EQUALITY**

# **Gender equality policy in Tunisia**

## **BRIEFING NOTE**

### **Abstract**

Tunisia is passing through a critical historical juncture. In the present debates about the new constitution, the role of Islam in public life and that of women's rights are among the most central issues. Tunisia's legislation on women's rights is the most modern in the Arab world (including notably the right to abortion on demand and access to contraceptives). Tunisian women participated actively in the uprisings, but fear backlash after the victory of the moderate Islamist party, Ennahda, in the first free election after the fall of President Ben Ali.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality

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## **LINGUISTIC VERSIONS**

Original: EN

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Manuscript completed in October 2012.  
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## GENERAL BACKGROUND

### 1.1. Present Political Context

It is not possible to discuss gender equality policy in Tunisia disregarding that the country is in a very special period of transition at the moment, with a sometimes latent, sometimes open political struggle going on between secular, Islamist and old regime forces. In the center of this contention is the role of Islam in public life and, as an integrated part, the role of women and women's rights. Consequently, this report will illuminate these major political issues and analyze women's attempts to be included in the formation of the new regime as well as bring information about women's actual position and equality legislation.

The 'Arab Spring' came as a surprise to most observers, including academic specialists. However, several years of social unrest and rising unpopularity of the non-democratic rulers in the region preceded recent events. Tunisia is a smaller country with 10.7 million inhabitants, of which 23% are under 14 and only 8% over the age of 65. Unemployment had been high for a long period, even among the growing number of young people with higher education.

The Arab Spring started in Tunisia, it is often maintained, when a young Tunisian man Mohammed Bouazizi from the small town of Sidi Bouzid set himself on fire 17 December 2010, after having had problems with the local authorities when selling his fruits from a road-side stand. This event became a catalyst for the following uprisings in several Arab countries.

In Tunisia as elsewhere, a large number of women participated in the demonstrations in the street, in the neighborhood committees and in the trade unions, and women, especially younger women, were and still are very active in the social media. A number of women activists have been beaten, sexually harassed and even killed during the uprisings.

14 January 2011, the Tunisian president since 1987, Zine El Abidine Ben Ali, and his family fled the country as the first of several Arab rulers to fall during the Arab Spring. In Tunisia, this day, January 14<sup>th</sup> is mentioned as the day of the '*Jasmine Revolution*' – the Jasmine being the national flower of Tunisia.

There is a widespread distrust between liberals, Islamists and remaining Ben Ali supporters (Farrell 2012). Yet, there is also a strong sense of the need for coalitions-building. After several interim governments and after president Ben Ali's ruling party, RCD, had been banned, an election was held October 23, 2011 for a *Constituent Assembly* (Assemblée Constituante). This assembly was charged with the task of writing a new constitution, but has also issued some new regulations. More than 60 political parties, most of them new, participated in the election. The plurality of seats was won by the Islamist Party Ennahda (37%). Under Ben Ali's regime, many leading members of the Ennahda movement were either in jail or in exile, among others the leader of the movement, Rached Ghannouchi.

After the election an interim government was established under the leadership of Ennahda under Prime Minister Hammad Jebail, who formed a coalition government with two smaller parties, the centre-left Congress for the Republic, CPR (which received 9% of the votes) and the social democratic party Ettakatol, Democratic Forum for Labour and Liberties (with 7%). No Salafist party is represented in the Assembly, in strong contrast to the Egyptian parliament.

Thus, a certain balance of power has been established, added to by the appointment of Moncef Al-Marzouki as interim president, a renowned human rights defender under the Ben Ali regime and one of the founders of the secular party CPR.

After the regime change, numerous reforms have been carried out: political prisoners were released, restrictions on political parties and NGOs were eased, the notorious Department of State Security was dissolved, and additional human rights treaties were signed.

## **1.2. The Tunisian legacy on women's civil rights**

Tunisia is known for its modern legislation on women's rights. The first wave of reform came after the independence in 1956 under President Habib Bourguiba and was primarily top-down policies imposed by a state in an effort to modernize the country at a fast pace. The Tunisian *Code of Personal Status (CPS)* was a series of laws, and constituted a radical shift in the interpretation of the Islamic laws. The CPS reformed laws on marriage (including, e.g. a ban on polygamy and a raise of the minimum age for marriage), divorce, custody and to some extent also inheritance, although the man remained the head of household. In the 1960s the principle of wage equality was introduced, schooling became mandatory for boys and girls and contraception was made available (Charrad 2011; World Bank 2012).

If this first wave of reforms was prompted by a nationalist agenda, the second major wave of reforms that occurred in the 1990s was rather prompted by women's activism. During the 1970s and 1980s, many new women's organizations emerged and feminist discourse became increasingly part of public debates. The most significant reform during this wave was the possibility for Tunisian women to pass their nationality to their children. Other important changes were policies about protections against domestic violence, laws against workplace discrimination and social policies that support low-income working women and divorced women and their children. With these reforms, Tunisia stands out as the most progressive country in the Arab-Islamic world when it comes to "woman friendly" legislative changes, the Tunisian researcher Mourina M. Charrad argues (2011:105). The Egyptian scholar Gihan Abou-Zeid argues that Tunisia "stands out as a unique model in addressing women's issues from both the Arab and Islamic context....largely because of the government's enlightened interpretations of Islam" (Abou-Zeid 2006:174). Others would relate this to the relative strength of secularism in Tunisia.



## 2. THEMATIC SECTIONS

### 2.1. Women in decision-making during the Arab Spring

In spite of the many active women who have participated in the uprisings, old patriarchal structures still exist, and women's organizations in Tunisia are complaining about the lack of inclusion of women in the key decisions about the country's future.

#### *Radical Gender Quota in Tunisia*

Before the revolt, women's political representation in the Tunisian parliament was the highest in the entire Arab region, namely 27.6% in the election of 2009 (Dahlerup 2009). The fear of a backlash was prominent among women's organizations up to the election to the Constituent Assembly in October 2011. Women's organizations, among them the influential feminist organization, *Association Tunisienne des Femmes Démocrates (ATFD)* demanded 'parité' (parity). But which electoral rules should guide the election to this assembly which was to draft the new constitution?

The appointed *High Commission for the Achievement of the Objectives of the Revolution, Political Reforms and Democratic Transition* was given the task to draft the rules for this specific election. The result was the adoption of an electoral system of proportional representation in multimember constituencies (with up to ten seats per constituency). An astonishing radical quota system was adopted, the so-called 'zipper-system' (Dahlerup 2006)<sup>1</sup>.

"Candidates shall file their candidacy applications on the basis of parity between men and women." (Decree 35, Article 16).

"Lists shall be established in such a way to alternate between men and women" (Decree 35, Article 16).

This implies that 50% of the candidates shall be women, 50% men, and further men and women shall alternate throughout the candidate lists. If a candidate list does not comply with the rules, it will not be allowed to participate in the elections. Applied in a PR system, such a gender quota system is very radical seen in a European as well as in a Global context (European Parliament 2011).

#### *The election to the Constituent Assembly, 23 Oct. 2011*

Why was the election under such a radical quota system nevertheless a disappointment for the women's organizations? Among the elected members of the Constituent Assembly 27% were women, i.e., not even reaching the 28% in parliament under Ben Ali, yet still above the world average (19% in 2011). It was also the highest in the Arab region until 2012, when Algeria surpassed Tunisia with 32% women elected to parliament (see Table 1). It seems as if most of the more than 60 political parties which in the end stood for election did comply with the quota rules, alternating women and men throughout their candidate lists. About 4,000 women stood as candidates for the election. But because most of the parties only won one seat in the different constituencies, and women usually stood as Numbers 2 and 4, most of those elected were men. Only 7% of all lists had a woman as

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<sup>1</sup> The author of this report had the honor to be part of a 4-women large expert mission from the Inter-Parliamentary Union to Tunisia in March 2011 for discussion with women's organizations and with the High Commission about how to construct an electoral reform which would include women on equal foot with the men (For the recommendations of this mission, see [www.statsvet.su.se/wip](http://www.statsvet.su.se/wip)).

number one. Only the Ennahda party won several seats in many constituencies, and consequently, most of the women elected stood on the Ennahda platform (ISIE 2011). Only 7 women in the assembly of 217 members represent a secular party.

**Table 1 Women in Parliament in North Africa**  
*Lower or Single House*

Country	Women in Parliament in %	Electoral System	Party Competition in Elections	Gender Quotas
1. Algeria	31,6 (2012)	PR	Yes	Yes
2. Tunisia	26,7 (2011)	PR	Yes	Yes
3. South Sudan	26,5 (2011)	N.A.	Yes	Yes
4. Sudan	24,6 (2010)	Mixed	Yes.	Yes
5. Morocco	17,0 (2011)	PR	Yes	Yes
6. Libya	16,5 (2012)	Mixed	Yes	Yes
7. Jordan	10,8 (2010)	SNTV	Yes	Yes
8. Egypt	2,0 (2011)	Mixed	Yes	No <sup>1</sup>

<sup>1)</sup> The quota system from the Egyptian election of 2010 was removed, and for the first elections after the regime change, the only requirement was that each party list had at least one woman among their candidates.

Source: [www.quotaproject.org](http://www.quotaproject.org); [www.ipu.org](http://www.ipu.org); Dahlerup 2009:32, updated.

Key to Electoral Systems. PR: Proportional Representation System with party lists including several candidates; Mixed: A combination of PR and Plurality/Majority System, . SNTV: single non-transferable vote.

### *The new constitution – the debate on ‘complementarity’*

During the present drafting of a new constitution, an intense debate has arisen over the suggested formulation in Article 2.28 which stated that the state guarantees the rights of women and supports what has been achieved for them as real “partners of men” in the building the nation, and that the roles of men and women in the family are “complementary”. <sup>2</sup> Tunisian feminists protested against women being labeled as the partners of men and complementary to them. In August 2012, when the first draft became known to the public, thousands of women marched in protest. After having stirred an international debate where the issue was even discussed in United Nation’s Human Rights Council and other international fora, these formulations were removed. According to the latest version (October 2012), “the state guarantees women’s rights and what has been achieved already in all areas.” It even adds to the previous sentence about combat against violence against women – “combating all forms of discrimination against women”.

This event indeed shows that the new ruling forces in Tunisia are receptive to pressure from the national and international women’s movements and from international institutions.

In October 2012 the ruling coalition announced that elections for parliament and for the presidency will be held 23 June 2013, with the president being elected directly by the voters.

<sup>2</sup> “La ‘complementarité écartée de la constitution tunisienne”, [www.lesnouvellesnews.fr](http://www.lesnouvellesnews.fr) (25.9.2012). Note that there are several different, all non-official translations into French and English of the original Arab text (see also Farrell 2012 and the many comments to his web article),

### *Women in government and local councils*

The coalition government led by Hammad Jebail from Ennahda took office 24 December 2011. Fourteen of its ministers come from the Islamist Party, five from Ettakatol, three from CPR, and seven are independent. It has been criticized that so few women were appointed as cabinet ministers, namely Sihem Badi from CPR as Minister for Women's Affairs, and Media Benna as Minister for the Environment (Independent).

Previously, women held 27% of the seats in the municipal councils and 32% in the regional councils, according to the government's statistics. Following the regime change, these councils were dissolved, and new councils have not yet been elected.

### *Women's agencies*

Within the government structure we find the *Ministry for Women, Family, Children and Elderly Affairs*; *The National Council of Women, the Family and the Elderly*; and the *National Committee on Women and Development*.

Women's NGOs have for long been an important part of the strong civil society in Tunisia, however, changes are also under way here. Under Ben Ali, the ruling party, RCD, had a large women's organization, *Union National des Femmes Tunisiennes (UNFT)*, which had over 120,000 members and numerous offices all over Tunisia. The organization ran health clinics which also provided birth control to women. The future of this large organization is unsure, and conflicts are strong between UNFT and the feminist organizations that belonged to the opposition during l'Ancien Regime, among them the ANFT. Many women's organizations are active in Tunisia today. Further, *Centre de Recherche, des Études, de Documentation et Information sur la Femmes (CREDIF)* is an important research centre. In addition, several universities offer courses in gender studies. Also, *CAWTAR*, the large Center of Arab Women for Training and Research has its headquarter in Tunis.

## **2.2. Tunisia and the CEDAW convention**

Tunisia signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985 and submitted the 5<sup>th</sup> and 6<sup>th</sup> periodic reports in 2009. However, like several other Arab countries, Tunisia made reservations. These reservations were related to four articles as well as two declarations, one being a general declaration.<sup>3</sup> In an important step after the regime change, these reservations were withdrawn in August 2012 according to a legislative decree. However, Tunisia still maintains a "general declaration" stating that the country will not take any organizational or legislative decisions that conflict with Chapter 1 of the Tunisian Constitution. Human Rights Watch suggests that this is an indication that Tunisia will not adopt laws which might be in conflict with Islam (UN Human Rights Council, 2012a:2). The 1959 constitutions stated that "Islam is the Religion of State". In Chapter1, Article 1.1 the draft constitution of August 2012 states: "Tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic and its type of government is the Republic." It is yet to be seen whether the withdrawal of the reservations will be translated into actual laws. The 7<sup>th</sup> periodic report is due in 2014. In a comprehensive shadow report to the CEDAW committee, the feminist

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<sup>3</sup> Reservations were made to Article 9, paragraph 2 (equal rights with regard to nationality of children); Article 16, paragraph 1 (c), (d), (f), (g) and (h) (equality in marriage and family life); and Article 29, paragraph 1 (related to the administration of the convention). The declaration concerns Article 15, paragraph 4 (the right to choose residency).

organization ATFD points to the many examples of gender discrimination and legal inequality still in existence in modern Tunisia (ATFD 2010).

## 2.3. Education, labour market participation and property rights

### *Education*

Tunisia has made large efforts with regards to girls' schooling. As of 2007 96.7% of school-aged girls and 95.5% of boys were enrolled in primary education. Women tend to proceed into higher levels of education to a larger extent than men (Ben Salem 2010:500). In 2010 63% of the graduates from higher education institutions were women while 37% were men (National Institute for Statistics a).

**Table 2 Literacy Rates**

Literacy rate / Year	1994	2004	2008
Literacy rate, adult female (% of females ages 15 and above)	48,2	65,3	71
Literacy rate, adult male (% of males ages 15 and above)	70,2	83,4	86,4
Literacy rate, youth female (% of females ages 15-24)	75,1	92,2	95,8
Literacy rate, youth male (% of males ages 15-24)	90,4	96,4	98,1

Source: Own Calculation based on The World Bank, WDI database online.

For the effects the efforts on education have had on the literacy rate, see Table 2. For Tunisian women the literacy rate has increased from 48% in 1994 to, 65% in 2004 and 71 % in 2008 (see Table 2). For men the rate has increased from 70% in 1994, to 83% in 2004 and to 86% in 2008. The increase rate in literacy is thus bigger for Tunisian women although the gap between men and women remains remarkable. The literacy for youth is substantially higher. The rate for Tunisian women aged 15-24 was 96% in 2008 and the rate for men aged 15-24 was 98%. Although the statistics are a few years old, a rising trend in literacy can be noted as well as a decreasing gap between men and women (The World Bank, WDI database online).

### *Employment and unemployment*

According to the National Institute of Statistics, 46% of the population over 15 was economically active in 2010, and women represented 25% of the total labor force (National Institute of Statistics a). Women are concentrated in certain sectors, particularly in agriculture where women, however, are often not considered being economically active since it falls under domestic work (Ben Salem 2010:501). Among the almost 50,000 civil servants in the ministries, 59% were men and 41% women, and, as elsewhere, the higher up, the fewer women: women make up 25-33% of the lower categories, but only 11% of the highest position, the General Secretaries (Labidi 2011).

Salary parity and equality between men and women in the civil service and public sector is stated in the law. In the shadow report on Tunisia to the CEDAW committee 2010, the feminist organization, ATFD, states that the official discourse indicating absence of all forms of gender discrimination in salary has been rejected in research (ATFD 2010). Also, research has shown a remarkable difference in earnings between men and women in the private sector, particularly as salaries increase (Ben Salem 2010:501). In the World Economic Forum's *Gender Gap Report*, Tunisia rates 0,444 on the ranking for "Economic Participation and Opportunity", which puts Tunisia in 126<sup>th</sup> place out of 135 countries (World Economic Forum 2011: 15).

**Table 3 Unemployment Rates**

Gender/Year	May 2007	May 2008	May 2009	May 2010	May 2011	Nov 2011	Feb 2012
Total	12,4	12,4	13,3	13,0	18,3	18,9	18,1
Female	15,3	15,9	18,8	18,9	27,4	28,2	26,6
Male	11,3	11,2	11,3	10,9	15,0	15,4	14,9

Source: National Institute for Statistics (b)

One of the main challenges for Tunisia after the uprisings is the rising unemployment. During the years prior to the Tunisian revolution the unemployment rate of Tunisian men was 10-11% while that of women was 15-18% (See Table 3). After the revolution the unemployment rate has grown substantially and the unemployment rate of Tunisian men is now 14-15%, while that of women is as high as 26-28%.

The high unemployment rates for Tunisian women are at odds with the fact that Tunisian women outnumber their male counterparts with regards to education. Only for women with only primary education is the unemployment rate lower than the rate for the men, which might be explained by the fact that women with only primary education often work as servants in homes or in the agricultural sector. For university-level graduates the unemployment rate has increased and the differences between men and women are substantial. In 2005 the unemployment rate for Tunisian women with tertiary education was 23% while that for men was 9 % (Bali moune-Lutz 2011).

Thus, despite progress in legislation to reduce gender inequality and the expansion in female education (particularly tertiary education), Tunisia still has low participation of women in the labor force.

Cemented gender roles within the family also have a negative effect on women's labor market participation. Tunisian women take more responsibility in the household and have a greater workload than men regardless of their professional situation. There is also a lack in social services, making women strongly attached to their traditional domestic roles (Ben Salem 2010).

### *Property rights*

When it comes to property rights, the women's right to own property (including land) is guaranteed by law. However, Tunisian women are rarely able to exercise this in practice because the Islamic traditional laws which transfer the ownership of land and real estate from father to son still persist. Thus even if Tunisian women may inherit, their share is usually smaller than the share men are entitled to. Inequalities in inheritance have been frequently fought against by women's organizations (Ben Salem 2010).

## **2.4. Dignity, abortion rights and violence against women**

Despite being on the forefront in modernizing legislation on women's rights, old patriarchal structures remain and the cultural tendency to consider boys/men superior to girls/women persists in Tunisia (Ben Salem 2010:487). According to the researcher Ben Salem, there is a tension between the notion of gender equality and a sense of religious identity that promotes the traditional division of gender roles, especially within the family. The notion of honor is still a prevalent factor and influence on, for example, the movement for women and girls in public (Ben Salem 2010:493). In the Personal Code the father is considered "the head of the family" (CSP, Article 23). Although the Personal Code gives Tunisian

women the possibility to negotiate their marital rights, in practice social pressure influences this matter more than the law (Ben Salem 2010:494).

These issues have been lifted by CEDAW that has urged Tunisia to put in place a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women. CEDAW has also raised concerns that disadvantaged groups of women and girls (e.g., rural women) suffer from multiple forms of discrimination, such as lack of access to education, employment and health care, lack of protection from violence and lack of access to justice (UN Human Rights Council 2012b:6,12,7). The shadow report from the feminist movement shows that many legal inequalities still exist (ATFD 2010).

### *Abortion*

Tunisia was the first Muslim country to liberalize its abortion law and its current laws date from 1973 when the new Penal Code was enacted. Family planning was then integrated into basic health care, maternal care centers were created and women's right to practice contraception was affirmed. Article 214 of the code authorizes Tunisian women to have an abortion made on request during the first three months of the pregnancy (see Table 4). Later in the pregnancy abortion is allowed if it risks the health or mental balance of the woman or if the child will suffer from a serious disease. Abortions are subsidized by the government like all other medical services (Code Pénal, Article 214).

However, according to the UN's "Abortion Policies: A Global Review", abortions seem to be made at a relatively advanced age, which might indicate that women mainly have an abortion once they have reached their desired number of children. Abortion remains a taboo for unmarried women in traditional societies and surveys have shown that women find it difficult to seek a legal abortion openly. Thus, illegal abortions still continue to be practiced, especially in rural areas and in the case of extramarital pregnancy (UN Department of Economics and Social Affairs 2012).

**Table 4 Abortion Policy**

Grounds on which abortion is permitted	To save the life of the woman	To preserve physical health	To preserve mental health	Rape or incest	Foetal impairment	Economic or social reasons	Available on request
	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Source: UN Department of Economics and Social Affairs 2012

### *Violence against women*

There is a serious concern about the high prevalence of violence against women and girls. The first national survey on violence against women in Tunisia (ENVEFT 2010) was conducted in 2010 by *Office National de la Famille et de la Population* with support from the Spanish Agency for International Development. The survey asked a representative sample of the Tunisian women (3.873 women aged 18-64) about the experiences of four different types of violence: physical violence,<sup>4</sup> psychological violence,<sup>5</sup> sexual violence,<sup>6</sup> and

<sup>4</sup> Definition in the survey: act of physical aggression e.g., slapping, punching, kicking, immobilizing against a wall, kidnapping, strangling, burning, biting, throwing objects, hitting with a stick, or using a weapon or scissors [author's translation] (ENVEFT 2010:4).

<sup>5</sup> Definition in the survey: insult, intimidate, belittle, disparaging intellectual abilities, mocking physical appearance (...) threat of divorce, threat to deprive the woman of her children, maintain control over the victim from seeing friends and family, control of travel (...) etc. [author's translation] (ENVEFT 2010:4).



economic violence.<sup>7</sup> The time periods being used were “the past twelve months” and “throughout life”. According to the survey, 31.6% of the Tunisian women had sometime during their life been subjected to physical violence (see Table 5), and 1 out of 5 Tunisian women had experienced violence within the private sphere. The vast majority of the violence against Tunisian women is taking place within the private sphere, and the intimate partner is the main aggressor (47% of physical violence, 69% of psychological violence, 78% of sexual violence, 78 % of economic violence) (ENVEFT 2010: 6f).

**Table 5 The prevalence of violence, according to type and to the marital situation of the women**

*-in percentage*

	Psychological violence	Physical violence	Sexual violence
Married women	23,6	21,2	14,6
Engaged women	14,2	4,7	0
Divorced women	67,3	59,4	44,8
All women having an intimate relationship	23,4	20,4	13,7
Total	28,2	31,6	15,2

Source: ENVEFT 2010: 6

Although having gained increasing legal rights, divorced women are still more vulnerable to all forms of violence, followed by married women. Unmarried women are the least victimized. For example, 4,7% of unmarried women have been subjected to physical violence whereas the rate for married women is 21% and the rate for divorced women is 59% (see Table 5). There are also regional variations, where the prevalence of violence is the highest in the southwest of Tunisia and the lowest in the Central East. (ENVEFT 2010: 6).

The violence has physical, mental and social effects on the victims. 56% of the abused women state they having difficulties in their daily life, yet many women do not speak about the violence. 55% of the victims declare that “violence is a regular feature” and 73% of the victims does not seek help from anyone because of shame and fear of aggravating the situation. The few that do seek help turn mostly to the family. Only 4% turn to the police and 2% to health services (ENVEFT 2010: 10).

The low report rate is probably due to two reasons. First, police officers often lack knowledge and resources to conduct objective investigations or protect victims. Second, domestic violence is generally considered a private issue (Ben Salem 2919:496).

According to CEDAW, Tunisia lacks a law on violence against women, including domestic violence and marital rape (UN Human Rights Council 2012b:8). Article 218 of the Penal Code provides for heavier penalties in cases where the perpetrator is a spouse (Article 218). The law seems however to neglect couples that are unmarried or divorced. It is also uncertain to what extent psychological violence is covered by the law.

<sup>6</sup> Definition in the survey: physically forcing a woman to have sex against her will, agreeing to have sex because of fear of the partner, being forced to do sexual degrading or humiliating acts, touching, sexual harassment, or sexual exploitation [author’s translation] (ENVEFT 2010:4).

<sup>7</sup> Definition in the survey: financial exploitation, theft, extortion, abuse of a position of economic dependence, deprivation of money or basic needs, control of salary, sale of property, denial of financial support, abusive exploitation of an economic dependent [author’s translation] (ENVEFT 2010:4).

### *Sexual violence and sexual harassments*

According to ENVEFT, 15,2% of Tunisian women have been subjected to *sexual violence* (ENVEFT 2010:6). Rape is considered to be a serious crime in the Penal Code and the perpetrator risks a life sentence or even the death penalty in violent cases (Code Pénal, Articles 227-229). However, the Penal Code does not explicitly prohibit rape or sexual violence within marriage, as stated above.

Although there seem to be no official statistics available on the level and the extent of sexual harassments, evidence suggests that women in Tunisia are often subjected to sexual harassment in public institutions and in the workplace (see, e.g., Kheififi 2012). However, the harassments are generally not reported. Sexual harassments and “offenses against morality” have been criminalized since 2004 and according to Article 226 of the Penal Code the perpetrator risks one year in prison.

It should be noted that the statistics on violence against women were gathered before the fall of the former regime. However, Human Rights Watch has raised concerns about how the verbal and physical attacks against women have marked the transition period, indicating that the prevalence of violence against women remains high (UN Human Rights Council 2012a:6).

### *Polygamy*

Tunisia is one of the few Arab countries where polygamy is prohibited by the law. It is unclear whether it still exists in practice. Since the revolt conservative Islamists have raised the demand to legalize polygamy. It is also possible that the so-called “Orfi marriages”, or customary marriages, are being used to enable men to take a second wife.

### *Female Genital Mutilation*

Female genital mutilation is considered a criminal offense and there have been no documented cases of female genital mutilation in Tunisia according to Ben Salem (2010:508). Also the new government condemns female genital mutilation: the Ministry of Women’s Affairs issued a press release in February 2012 warning Tunisian families against the pro-mutilation messages of an Egyptian cleric. The ministry stressed that such practices are not derived from any Muslim origin, and they highlighted the fact that all international conventions prohibit these procedures (press release, Feb. 17, 2012).

## **2.5. Present challenges**

### *Freedom of speech and defamation*

After the uprisings Tunisia has made some progress in terms of freedom of expression and freedom of information, as the Interim Government proclaimed them as fundamental principles and the High Commission for the Achievement of the Objectives of the Revolution, Political Reforms and Democratic Transition was assigned to revise laws and regulations. However, the past year has seen an increased number of attacks against and arrests of journalists and human rights activists (UN Human Rights Council 2012b:10).

A worrisome development is the tendency to invoke the need to protect “public morals” and “public order”. Telling examples include Nabil Karoui who was fined for “spreading information that can disturb public order” after his station broadcasted the animated French-Iranian film *Persepolis* that portrayed God, and the publisher of the Arabic daily *Attounisia*, who was found guilty of the same crime after publishing a photograph of a football player and his girlfriend who appears naked with his hand covering her breasts



(Amnesty International 2012b and c). Their fines have, however, been modest (Farrell 2012).

Not only is the argument “protecting public morals and public order” used to restrict the freedom of speech, but it also restrains women’s rights and liberties. A recent example occurred in September 2012 when a young woman was raped by police officers that had arrested her and her fiancé after finding them in an “immoral position”. The couple is now charged for “intentional indecent behavior” by the same police officers charged with raping her (Amnesty International 2012d).

Eliminating provisions criminalizing defamation was one of the few recommendations coming from the Universal Periodic Review of the UN Human Rights Council that did not enjoy the support of Tunisia (UN Human Rights Council 2012c).

### *Islamism and women’s rights*

In an article in the weekly *Al Ousbou Al Arabi* (Arab Week), August 28, 2012, the journalist mentions that the protesting women’s organizations claim that Ennahda “behind its modern rhetoric is concealing a reactionary project, the implementation of which it has postponed to a more appropriate moment.”

In contrast, the leadership of Ennahda itself has stressed their moderate line and support for women’s rights. Ennahda’s electoral platform before the October 2011 election maintains the following (Article 15): “We seek to protect women’s achievements and encourage their role in all fields in order to allow them to contribute to the development of society free from abstractions of decadence and pitfalls of marginalization.” The manifesto also includes numerous actions that need to be taken with regard to women’s rights and empowerment (see also Labidi 2011). However, certain statements by individual Ennahda politicians have stirred vehement debates, as when Souard Abderrahim, a female MP, in a radio program said that “les mères célibataires sont une infamie pour la société tunisienne”.

The fact that an Islamic party won the election has raised concerns about the future for women’s rights and, as mentioned in the introduction, feminist activists fear a backlash, a fear furthered especially by the increasingly vocal and violent activities of Salafist groups. In Tunisia, fundamentalist Islamists did not get any legislative support to speak of, in contrast to the situation in Egypt. But during the past year, they have demonstrated regularly against perceived insults to Islam. The demonstrations have occasionally turned violent and Salafists have attacked secular intellectuals and harassed women for their style of dress. Under the banner of Hizb al-Tahrir, a pan-national Salafist organization, spectators to a controversial film, originally entitled *Laïcité, Incha’Allah* (Secularism, God Willing) were attacked with tear gas and physical violence. One of the Salafists’ most high-profile sit-ins lasted for several weeks when demonstrators hindered exams at Manouba University in a protest against the decision to ban female students from wearing the niqab at exams. Also various conservative religious groups have rallied in large numbers in the larger cities in support of increased Islamization and implementing sharia laws (Farrell 2012; Merone and Cavatorta 2012).

While the number of actual Salafists is relatively small, maybe just a couple of hundred militants, predominantly young males, and while the vast majority of the Tunisians believe that the views of the Salafists are too extreme (Merone and Cayatorta 2012), many observers think that Ennahda has been rather vague about the growing Salafist movement, even if there clearly is a tension between the two parts.

### *Recommendation*

It seems important that European institutions, women's NGOs and feminist activists engage in a dialogue with the many Tunisian politicians of all political shades who take an active interest in women's affairs. It seems right to conclude that the attitudes of the winning Islamist Party as well as that of the other political parties in Tunisia towards women's rights are under continuous construction, and consequently, meetings, exchange and dialogues are important for anyone interested in gender equality.

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