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CSSF Women, Peace and Security Helpdesk

# Gender equality and social inclusion analysis of Tunisia

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# Abbreviations and acronyms

AMG2	Assistance Médicale à Tarif Réduit
ATFD	Tunisian Association of Democratic Women
AFTURD	Association des Femmes Tunisiennes pour la Recherche sur le Développement
CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
CILG-VNG	International Development Center for Innovative Local Governance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CNAV	National Associative Coalition for the Fight against Violence
CREDIF	Center for Research, Study, Documentation and Information on Women
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisations
EU	European Union
GBV	Gender-based Violence
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
INS	National Institute of Statistics
LGBTQI+	Lesbian, Gay, Bisexual, Trans, Queer, Intersex
LTDH	Tunisian League of Human Rights
MENA	Middle East and North Africa
NAP	National Action Plan
OPEV	Euro-Mediterranean Observatory for the Prevention of Violent Extremism
P/CVE	Preventing/Combating Violent Extremism
PNAFN	Programme National d'Aide aux Familles Nécessiteuses
SDGs	Sustainable Development Goals
SSE	Social and Solidarity Economy Law
TGLU	Tunisian General Labour Union
UNFT	Union National des Femmes Tunisiennes
UNFPA	United Nations Population Fund
WPS	Women, Peace and Security
WRO	Women's Rights Organisations
VAWG	Violence Against Women and Girls

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# Executive Summary

Since the 2011 revolution, Tunisia has been experiencing economic, social, and political instability. The very low turnout to the recent parliamentary elections in January 2023 (around 11 per cent of the electorate in the first and second rounds) confirmed the wider social disappointment with President Kais Saied, who took power in 2019. Since then, he has introduced a new Constitution and new electoral law, both widely criticised by civil society and other political parties. The 2022 Constitution enshrines the concentration of power in the president, weakening the legislative body and hampering the independence of the judiciary, and the new electoral law represents a loss in gender equality as it eliminates the quota system in elected assemblies. As a result, women will only account for around 16 per cent of the new parliament.

This is consistent with a country with structural gender inequalities that hinder women's participation in public and political spheres, particularly in conservative and rural regions. This is due to not only gender norms but also difficulties in accessing education and economic resources. In addition, the few women who are active in civil society organisations (CSOs) (representing 4.5 per cent of their members) and those who are part of political parties (around 2.5 per cent of affiliates) are under a high risk of suffering gender-based violence (GBV) due to their work and public-facing activities, including online violence. Therefore it is not surprising that women are more inclined to engage in low-profile civic activities than in politics.

GBV is prevalent in Tunisia, where studies conducted within the past decade show that more than 50 per cent of women are likely to suffer GBV, with the majority of perpetrators being their intimate partners or relatives. In 2017, the passing of Law 58 to eradicate violence against women and girls (VAWG) was well received by activists and women's rights organisations (WROs) who had been advocating for a legal provision of this type. However, major challenges still prevail. Police units specialising in VAWG have been criticised for mistreatment and scarcity of human and material resources; judges treating GBV cases have been described as having sexist biases; personnel working on health assistance lack training in dealing with GBV; and there is poor coordination between the different stakeholders in charge of implementing Law 58. In addition, in a country where same-sex sexual activity is prohibited, lesbian, gay, bisexual, trans, queer, intersex (LGBTQI+) people are particularly vulnerable to GBV and discrimination, including ill-treatment from law enforcement officers.

Tunisian women also encounter difficulties in accessing social and economic wellbeing schemes. In particular, women working in the informal sector do not benefit from social security coverage, and only 17 per cent of older women are covered by a pension scheme. Unemployment rates also reflect the disadvantages women experience, with only 29 per cent of them taking part in the labour market, and 31.9 per cent of these women being employed in the informal sector. The gender gap is stark, and sexual abuses are not uncommon among domestic workers, the vast majority of whom are women. With 40 per cent of the population in poverty, unemployment, discrimination, and lack of social security are aspects that make women's situation more vulnerable, particularly older women and women with disabilities. Despite this, social statistics are not disaggregated by gender, and laws related to social inclusion do not account for nor address gender inequalities.

The first 2018-2022 Tunisia Women, Peace and Security (WPS) National Action Plan (NAP), currently outdated and not replaced, covers the four WPS pillars (prevention, participation, protection and relief and recovery), but it has a particular focus on countering terrorism and violent extremism, which increases the risk of work to advance gender equality being co-opted by national security interests, as well as gender stereotypes being reinforced for this same objective. However, as this analysis shows, there is still a lot to do in GBV prevention, including for migrant women, and women's participation, including in the security and defence sectors, as well as in advancing gender equality in the economic, education, justice, and social sectors. The next NAP should be drafted soon, with the meaningful participation of WROs; have a stronger stance in advancing gender equality as its main objective, including by addressing gendered root causes of conflict and violence; and ensure that efforts to counter terrorism or violent extremism integrate a gender-responsive approach.

This report covers specific recommendations for all sectors, namely: women's and political participation, GBV, economic and social rights, and the WPS agenda. Beyond these, there are also general recommendations, outlined below:

### **General Recommendations**

- ⇒ *Enhance the UK's feminist foreign policy in its future collaboration with Tunisia to strengthen gender mainstreaming, as well as give an affirmation of UK diplomacy's commitment to gender equality and social inclusion.*
- ⇒ *Work with the Tunisian government to ensure a robust implementation of the gender equality and inclusion clauses in their programmes and policies, including developing indicators to assess impacts.*
- ⇒ *Encourage Tunisia to become a party to international treaties that contribute to strengthening gender equality and social inclusion, such as International Labour Organisation (ILO) Convention No. 183 (2000) on maternity protection, ILO Convention No. 189 (2011) on the rights of domestic workers, and ILO Convention No. 190 (2019) on harassment and violence in the workplace.*
- ⇒ *Support the LGBTQI+ movement to ensure the resilience of organisations and individuals working on these issues, through funding and public involvement.*
- ⇒ *Provide economic, political, public, and moral support to the gender equality movements in Tunisia, including WROs, individual feminist defenders, LGBTQI+ organisations, and organisations working for the inclusion of minorities and/or gender equality.*
- ⇒ *Encourage the Tunisian government to adopt a governmental collaborative approach to its strategies and programming, including through building internal capacities and ensuring continuous inter-sectoral discussions and meaningful consultations with civil society and WROs.*
- ⇒ *Contribute to research gaps, particularly in relation to gender equality and social inclusion, providing resources for intersectional, gender-responsive, and participatory locally produced research.*
- ⇒ *Support governmental and civil society organisations' (CSOs) initiatives that aim at awareness raising and changing strong public and persistent negative gender norms and attitudes.*
- ⇒ *Advocate for and support the implementation of the Social and Solidarity Economy Law to fight against climate injustice and social and economic inequalities, and ensure the integration of a gender-sensitive approach.*
- ⇒ *Support the development of a second NAP, with an emphasis on the meaningful participation of CSOs and WROs, a gender-responsive or transformative approach informed by a gender-sensitive analysis, the prevention of gendered root causes of conflict and violence, and an overall aim at advancing gender equality rather than other potential national interests.*

# Findings

## Context

With more than 12,300,000 inhabitants in 2022, Tunisia is one of the most urbanised countries on the African continent: 30.11 per cent live in rural areas and 69.5 per cent in urban areas, according to the World Bank in 2021.<sup>1</sup> The high degree of urbanisation is considered to be driven, at least in part, by spatial inequalities and policies that prioritise urban areas, despite the reduction of regional disparities being a central demand during the 2011 Tunisian revolution.

Following the 2011 revolution, Tunisia continued to experience instability in the socio-economic, political, and legislative fields. Since 2013, there has been social upheaval, political assassinations, and attacks against prominent civil society leaders, human rights defenders, and journalists, among others.<sup>2</sup> The Tunisian Quartet was then formed to lead a national dialogue to resolve the situation, which resulted in the production of a new Constitution.<sup>3</sup> The 2014 Constitution, which replaced the 1959 Constitution, was highly praised as one of the most progressive in Arab countries.<sup>4</sup>

In 2014, the first presidential and parliamentary elections after the revolution took place. A coalition between Nidaa Tounes and the Ennahda Party dominated political life under the 2014-2019 legislature, but was seen by many to be ineffective because of compromises that were made in order to satisfy the partnership.<sup>5</sup> Tunisians grew disillusioned as they did not see any tangible benefits emerge. In 2019, the country held its second direct democratic presidential and parliamentary elections. Kais Saied, an independent social conservative supported by Ennahda, was elected president, because he was seen as someone outside the traditional dominant political parties and who could potentially bring about democratic changes and better socio-economic reforms.<sup>6</sup> On 25 July 2021, Saied declared a state of emergency, and then a state of exception in September 2021, based on Articles 80 and 117, respectively, of the 2014 Constitution. With that, the president dismissed the prime minister, suspended parliament (the Assembly of the People's Representatives), and revoked the immunity of its members<sup>7</sup> – while committing to drafting a new Constitution in 2022.

As part of his government's reforms, in September 2022, Saied introduced a new electoral law that affected women's political participation negatively as it eliminated the principle of gender parity and the quota system in elected assemblies. This resulted in a low representation of women in the recent parliamentary elections held in December 2022 (first round) and in January 2023 (second round),<sup>8</sup> with just 122 female candidates, compared with 936 men.<sup>9</sup> The general participation rate, which barely reached 11.2 per cent in the first round, was due to a wide boycott by most political parties as they considered the process to be a charade to shore up President

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<sup>1</sup> Our World in Data, Tunisia: Coronavirus Pandemic Country Profile, latest update 8 February 2023, <https://ourworldindata.org/coronavirus/country/tunisia>.

<sup>2</sup> Thibaut Girault, "La Tunisie, une société fragile face à la persistance de la menace de l'extrémisme violent", [https://www.irenees.net/bdf\\_fiche-analyse-1112\\_fr.html](https://www.irenees.net/bdf_fiche-analyse-1112_fr.html).

<sup>3</sup> The Tunisian Quartet was formed by the Tunisian General Labour Union (UGGT), the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA), the Tunisian Human Rights League (LTDH), and the Tunisian Order of Lawyers (ONAT) and was awarded the Nobel Peace Prize in 2015.

<sup>4</sup> See, for example, UN Women, [Tunisia's new Constitution: a breakthrough for women's rights](#), 11 February 2014.

<sup>5</sup> Carter Centre, [2019 Presidential and Parliamentary Elections in Tunisia – Final Report](#), p. 9.

<sup>6</sup> See Carter Centre, 2019 Presidential and Parliamentary Elections in Tunisia – Final Report, p. 8.

<sup>7</sup> The state of emergency was first imposed in the country in November 2015, after an attack in the capital which killed 12 Presidential guards. It was repeatedly renewed for security reasons and has been repeatedly renewed since then.

<sup>8</sup> Human Rights Watch, "Tunisia tramples gender parity ahead of Parliamentary elections", November 2022, <https://www.hrw.org/news/2022/11/02/tunisia-tramples-gender-parity-ahead-parliamentary-elections>.

<sup>9</sup> The Guardian, "Tunisia election set to deliver male-dominated parliament and erosion of women's rights", December 2022, <https://www.theguardian.com/global-development/2022/dec/16/tunisia-election-male-parliament-womens-rights-kais-saied>.

Saied's power.<sup>10</sup> The second round of elections in January 2023 – also with an 11.3 per cent turnout – resulted in only 25 women elected to the newly configured 161 people parliament. As a result, women will occupy about 16 per cent of the seats in the new legislature, while in 2021 they accounted for 26 per cent of the parliament, and 31 per cent between 2014 and 2018.<sup>11</sup>

Tunisia's economic situation continues to be unstable 12 years after the revolution. Data from the World Bank shows that the gross domestic product (GDP) in Tunisia grew by 4.3 per cent in 2021, after decreasing by 8.6 per cent in 2020,<sup>12</sup> coinciding with the COVID-19 pandemic. Since then, growth has been declining and the prediction for 2023 is that it will reach only 1.8 per cent.<sup>13</sup> Inflation is on the rise for the sixteenth month, at 10.2 per cent in January 2023,<sup>14</sup> and poverty is expanding to several social strata, with more than a fifth of the population living below the poverty line in 2021.<sup>15</sup> In addition, due to the war in Ukraine and Tunisia's fluctuating political situation, the country is experiencing gas, oil, milk, sugar, and medicine shortages.

This situation was preceded by the difficulties of the COVID-19 pandemic, which contributed further to social discontent, particularly due to its economic and social consequences leading to Tunisian GDP contracting by 8.6 per cent in 2020, with hotels, restaurants, and transport being most affected.<sup>16</sup> Food insecurity also increased due to inflation. The government adopted economic and social response policies as well as emergency cash transfers for vulnerable groups that reached a fifth of the population.<sup>17</sup>

Unemployment rates are high, particularly for women and young people, including graduates. The unemployment rate was 20.4 per cent for women and 13.2 per cent for men in the third quarter of 2022.<sup>18</sup> For university graduates, it increased to 24.3 per cent in the third quarter of 2022, and affected 32 per cent of women and 15.2 per cent of men.<sup>19</sup> Conservative social norms give clearly distinct roles to men and women, not only in their private lives but also in the labour market. Some evidence suggests that women have a preference for what they believe to be 'good jobs' (formal jobs or public/government jobs), because they do not want to be engaged in jobs that social norms deem to be unsuitable for women. If they cannot get such jobs, many women, whose relatives can secure an income, leave the labour force entirely rather than settle for informal jobs.<sup>20</sup>

The number of informal migrants who left Tunisia for Italy, the main entry to Europe through the Mediterranean, was approximately 16,292 in 2022, while the number of Tunisians who died or disappeared in the Mediterranean was over 544 in the same year.<sup>21</sup> Of particular concern is that 54.6 per cent of young people declared their wish to emigrate in 2016,<sup>22</sup> and since 2020, "the type of Tunisians migrating irregularly has begun to shift. Although young men remain the dominant category, a growing number of women, children, infants and even entire families are joining them. Between January and November 2021, for example, 540 Tunisian women and 599 accompanied children arrived in Italy, versus the 463 women and 435 accompanied children that disembarked

<sup>10</sup> Al Jazeera, "Runoffs due in most Tunisian districts in Parliament election", 19 December 2022, <https://www.aljazeera.com/news/2022/12/19/runoffs-due-in-most-tunisian-districts-in-parliament-election>.

<sup>11</sup> Reuters, "Analysis: Tunisia's male-dominated parliament deals blow to women's gains", 14 February 2023.

<sup>12</sup> The World Bank, GDP Growth (annual%) Tunisia, in <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=TN>.

<sup>13</sup> Economist Intelligence, Tunisia, in <https://country.eiu.com/tunisia>.

<sup>14</sup> Trading Economics, Tunisia inflation rate, in <https://tradingeconomics.com/tunisia/inflation-cpi#:~:text=4%2DDecade%20High-.The%20annual%20inflation%20rate%20in%20Tunisia%20climbed%20for%20the%2016th,%2C%20from%2010.1%25%20in%20December>

<sup>15</sup> Carnegie Endowment for International Peace, Tunisia facing increasing poverty and regional inequalities, October 2021, in <https://carnegieendowment.org/sada/85654>.

<sup>16</sup> ILO, "Tunisia Covid-19 Country Case Study", [https://www.ilo.org/wcmsp5/groups/public/--africa/--ro-ahbidjan/--sro-cairo/documents/publication/wcms\\_839018.pdf](https://www.ilo.org/wcmsp5/groups/public/--africa/--ro-ahbidjan/--sro-cairo/documents/publication/wcms_839018.pdf).

<sup>17</sup> Ibid.

<sup>18</sup> National Institute for Statistics, 3rd quarter 2022: <http://www.ins.tn/publication/indicateurs-de-emploi-et-du-chomage-troisieme-trimestre-2022>.

<sup>19</sup> Ibid.

<sup>20</sup> See, for example, the ILO, "[Women's and Youth Empowerment in Rural Tunisia - Women's and Youth Empowerment in Rural Tunisia](#)", Impact Report Series, Issue 11, May 2018.

<sup>21</sup> FTDES, "Les drames de la migration non réglementaire sur les côtes de la Tunisie en 2022", Updated 26 October 2022, <https://ftdes.net/statistiques-migration-2022/>.

<sup>22</sup> FTDES, "Rapport: Migration non réglementaire", <https://ftdes.net/rapports/fr.omm3.2017.pdf>.

throughout 2020”.<sup>23</sup> Additionally, the rate of Tunisian migrants in their forties and fifties, those with higher education, and even those with employment is rising.<sup>24</sup>

Tunisian men were the top contributors as foreign fighters to the Islamic State in Iraq and Syria,<sup>25</sup> while Tunisian women accounted for around 700 of those affiliated to jihadist groups in Syria in 2015, according to the Ministry of Women, Family and Children.<sup>26</sup> Women took on roles as fighters, recruiters, and community organisers, performing administrative tasks, as well as marrying male combatants.<sup>27</sup> Other women have been identified as jihadists fighters within Tunisia, some working on propaganda, while one of them detonated a bomb that killed herself and injured governmental officers in 2018.<sup>28</sup> The radicalisation of both men and women is believed to be linked to economic difficulties, which are particularly high in rural areas.

Further instability in the country came as a result of a series of unprecedented political measures by the president, starting with the above-mentioned declaration of a state of emergency and a state of exception, in July and September 2021. This resulted in a major crisis between the government, the presidency, and the Tunisian parliament, which escalated to political violence. Arbitrary arrests (including by security officials in plainclothes), house arrest, arbitrary detention, and other harassment against politicians, members of parliament, and judges increased from July 2021, sometimes using extrajudicial measures.<sup>29</sup> The presidency also dissolved the High Judicial Council, appointing a new council and a new minister of justice. Political parties, civil society, and the international community were concerned about this concentration of powers, which disregarded the separation of powers, as the basis of any rule of law.<sup>30</sup> Since then, there has been a regression in freedom of expression resulting in detention of human rights defenders, including women’s and lesbian, gay, bisexual, trans, queer, intersex (LGBTQI+) rights defenders,<sup>31</sup> and prosecution of activists, journalists, and political opponents.<sup>32</sup>

Following the July 2021 events, the president promised a national dialogue to elect a new parliament and draft a new Constitution to be submitted to a referendum in July 2022. The dialogue was considered publicly by several associations and political parties to be not inclusive, not sufficiently structured, and not having a participatory approach. An attempt by the presidency to bring as many actors as possible to the dialogue table was in vain, and the Tunisian General Labour Union (TGLU) and the Tunisian Association of Democratic Women (ATFD) declared that they were not going to participate in the dialogue. This was particularly significant as the TGLU was part of the Tunisian Quartet, and ATFD is a highly respected feminist organisation. Both have significant reach and influence on civil society organisations (CSOs) and the society at large in Tunisia. Gender mainstreaming was believed to have been the role of the Union National des Femmes Tunisiennes (UNFT), represented by the president-appointed Radhia Jeribi, the General Rapporteur of the Advisory Committee.

In June 2022, the president published a new draft Constitution for submission to voters in the July 2022 referendum. This was widely criticised as a document that contained “an unchecked Presidential system, with an unaccountable, unimpeachable President, a powerless Parliament and a subordinated judiciary”.<sup>33</sup> Human Rights Watch observed that it “establishes a presidential system similar to what Tunisia had prior to the 2011 uprising, and concentrates power in the presidency”.<sup>34</sup> The Tunisian people who participated in the referendum overwhelmingly voted

<sup>23</sup> Global Initiative Against Transnational Organized Crime, “Losing Hope: Why Tunisians are leading the irregular migration surge to Europe”, [https://globalinitiative.net/wp-content/uploads/2022/01/GI-TOC-Losing-Hope\\_Tunisia-Report-2021.pdf](https://globalinitiative.net/wp-content/uploads/2022/01/GI-TOC-Losing-Hope_Tunisia-Report-2021.pdf).

<sup>24</sup> Ibid.

<sup>25</sup> Carnegie Endowment for International Peace, “Tunisians’ Revolutionary Goals Remain Unfulfilled”, 6 December 2018.

<sup>26</sup> Carnegie Endowment for International Peace, “Women’s groups take on radicalization in Tunisia”, March 2019, <https://carnegieendowment.org/sada/78685>.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Human Rights Watch, Submission to the Universal Periodic Review of Tunisia, March 2022; Human Rights Watch, “Déjà Vu In Front of the Tunisian Courthouse - Veteran Human Rights Activists Rally against New Political Trials”, 22 March 2022.

<sup>30</sup> La Presse, <https://lapresse.tn/125687/200-jours-apres-lactivation-de-larticle-80-des-associations-denoncent-la-concentration-des-pouvoirs/>.

<sup>31</sup> Front Line Defenders, Tunisia, <https://www.frontlinedefenders.org/en/location/tunisia>

<sup>32</sup> Human Rights Watch, “Tunisia: Events of 2022”, <https://www.hrw.org/world-report/2023/country-chapters/tunisia>.

<sup>33</sup> International Commission of Jurists, “[Tunisia: Proposed Constitution codifies authoritarianism](#)”, 20 July 2022.

<sup>34</sup> Human Rights Watch, “Tunisia: Events of 2022”, <https://www.hrw.org/world-report/2023/country-chapters/tunisia>.

'yes'. However, voter turnout was 30 per cent of all registered voters.<sup>35</sup> The referendum was widely boycotted by CSOs, political parties, young people and women, leading to mass protests and arrests. Subsequent increasing tensions have not prevented the government from holding legislative elections in December 2022, under a new electoral law passed without public consultation. This law allows voters to vote for individual candidates instead of party lists and erases the principle of gender parity in elected assemblies.<sup>36</sup>

The main political forces, including most political parties and trade unions, continue to oppose the president's measures and vision. In January 2023, thousands of protesters marched again against the seizure of near total power by the Tunisian president, demanding he step down as they marked the anniversary of the 2011 revolution.<sup>37</sup> The response since February 2023 has been a wave of crackdowns against perceived political opponents and civil society activists. The president stated that those arrested "conspired against the State and against the President" and "are terrorists".<sup>38</sup> At the same time, the economy continues to fail, with staple goods disappearing from shelves. Despite the state facing bankruptcy, the government has not yet been able to secure an international bailout.<sup>39</sup>

# 1

## The legal framework on gender equality and social inclusion in Tunisia

### Normative framework: International and regional norms and standards

Tunisia is a State party to a number of international and regional treaties that are important in the context of gender equality and social inclusion, in addition to other core international human rights instruments. These include: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child and two optional protocols; Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) and its optional protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Rights of Persons with Disabilities (CRPD); and the Convention for the Protection of All Persons from Enforced Disappearance.

Tunisia is also a party to a number of international individual complaint mechanisms, primarily Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD-OP), Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP), and the individual complaints procedure under Article 22 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition, it is also a party to a number of important regional mechanisms including the African Charter on Human and Peoples' Rights of the African Union, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). Tunisia also acceded to the Council of Europe Convention on Action against Trafficking in Human Beings in February 2018,<sup>40</sup> and the Council of Europe's Istanbul Convention on preventing and

<sup>35</sup> The Guardian, "[Tunisia referendum approves expansion of President's powers – officials](#)", 27 July 2022.

<sup>36</sup> Human Rights Watch, "[Tunisia Tramples Gender Parity Ahead of Parliamentary Elections](#)", 2 November 2022.

<sup>37</sup> The Guardian, "[Thousands protest against Tunisian President's seizure of near total power](#)", 14 January 2023.

<sup>38</sup> OHCHR, "Arrest of perceived political opponents and civil society in Tunisia", 14 February 2023. See also International Commission of Jurists, "End wave of arbitrary arrests targeting critics and opposition members", 15 February 2023.

<sup>39</sup> Ibid.

<sup>40</sup> As a State party to international treaties, Tunisia undertakes to take legislative, administrative, budgetary and other steps to ensure the implementation of the rights included in these treaties. Some of these rights may be achieved progressively, for example in relation to economic rights. However, many others, including ensuring equality and non-discrimination, must be respected immediately.

combating violence against women and domestic violence in May 2011.<sup>41</sup> Tunisia is not a party to the Arab Charter on Human Rights of the League of Arab States.

Of particular significance is Tunisia's announcement of withdrawal of all its reservations to CEDAW, pursuant to Decree No. 103 of 24 October 2011, by the Government of Tunisia, approved in November 2011, thanks essentially to the campaigns, initiatives, and efforts of civil society and political activists.<sup>42</sup> This in effect means that the State is committed to implement all of its obligations related to the rights that CEDAW establishes.<sup>43</sup> In February 2023, the CEDAW Committee held its session to discuss Tunisia's outcomes. In that session, the State presented its report and a number of CSOs made statements.<sup>44</sup> They highlighted a series of setbacks, such as the fact that no egalitarian reform had been made in the Code for Personal Status and Nationality; the new Constitution does not refer to equality between men and women and human rights in its preamble, which was an integral part of the previous constitution; the number of cases of domestic violence and femicide has increased; women's poverty is on the rise; and women's access to sexual and reproductive rights and to education are seriously undermined.

Finally, it is also important to note that according to the 2014 Constitution, international treaties ratified by Tunisia have a status superior to that of national laws but inferior to that of the Constitution. This was maintained in the new 2022 Constitution. This means that the Constitution will always be above human rights obligations according to international standards. Therefore, if there are any conflicts between national legislation or international human rights standards and the Constitution, the Constitution will be supreme.

## National legal framework

The 2022 Constitution enshrines the expanded powers of the president by removing many of the checks and balances of the 2014 Constitution and centralising power in the hands of the president. The legislative branch is weakened, and the independence of the judiciary is hampered. It therefore embodies the measures that were imposed by the president through presidential decrees in 2021 into constitutional provisions, making them much harder to revoke or change.

Moreover, the new constitution is characterised by a lack of reference to universal human rights. There are also concerns over areas such as the omission of Article 2 of the 2014 Constitution on the civil nature of the state and the addition of Article 5 stating Tunisia as part of an Islamic nation with a state that must work towards the realisation of the traditional precepts of Islam, to preserve life/soul, honour, religion, and freedom. This may lead to conservative interpretations related to women's rights, as well as freedoms of expression, conscience, and belief.

There are a number of regressions in relation to women's rights in the 2022 Constitution compared with the 2014 Constitution. In the new constitution, equality as a general principle between men and women is mentioned as "all citizens are equal before the law" in Article 22,<sup>45</sup> and equal opportunities and access to decision-making positions are included in Article 51, "The State guarantees equal opportunities between men and women for access to various responsibilities and in all areas."<sup>46</sup> This differs from language in the 2014 Constitution in relation to the fight against discrimination based on gender.

<sup>41</sup> Both Council of Europe Convention are open for accession or ratification by States outside the Council of Europe. For details about the Convention and Tunisia's accession, see Council of Europe: [Treaty List for a specific State – Tunisia](#).

<sup>42</sup> See [Seventh periodic report submitted by Tunisia under article 18 of the Convention](#), 29 December 2021, CEDAW/C/TUN/7, paras 2 and 38.

<sup>43</sup> CEDAW defines discrimination against women, details the nature of States obligations, including adopting temporary special measures (e.g., quota system) to achieve de facto equality and eliminating discriminatory stereotypes on the roles and responsibilities women and men in the family and in society. It requires States to eliminate all forms of trafficking. It requires States to ensure equal rights for women in a number of fields including: to participate in political and public life; to nationality and pass their nationality to their children and foreign spouses; to education, work, and equal conditions of work; health care; equality before the law; and equality to enter marriage, in family relations and upon marriage dissolution.

<sup>44</sup> In addition to Tunisia's State report to CEDAW, a number of CSOs also submitted their own reports and have made statements in the session of consideration of the State report by the CEDAW Committee. All the reports by Tunisia and by CSOs are available through OHCHR, [Reporting Status for Tunisia, CEDAW, VII Reporting Cycle](#).

<sup>45</sup> Constitution of the Republic of Tunisia 2022, Chapter II - Rights and freedoms: [https://www.jurisitetunisie.com/tunisie/codes/Constitution\\_2022/const1010p.htm](https://www.jurisitetunisie.com/tunisie/codes/Constitution_2022/const1010p.htm).

<sup>46</sup> Constitution of the Republic of Tunisia 2022, Chapter II - Rights and freedoms: [https://www.jurisitetunisie.com/tunisie/codes/Constitution\\_2022/const1010p.htm](https://www.jurisitetunisie.com/tunisie/codes/Constitution_2022/const1010p.htm).

The 2014 Constitution had a much stronger gender equality lens, which was the result of sustained struggle and advocacy by the women's and human rights movement. This made it possible to claim the effectiveness of all the rights enshrined in the Constitution. Article 21 of the 2014 Constitution stated: "Citizens have equal rights and duties. They are equal before the law without discrimination. The State guarantees individual and collective freedoms and rights to citizens. It provides them with the conditions for a dignified life." This was a commitment against discrimination, to guarantee rights for all, which required the need to change national laws and to put in place public policies for the consecration of equality. Article 10 stated: "The payment of taxes and the contribution to public charges must be done in accordance with a just and equitable system"; and Article 34 stated: "The State shall ensure the representation of women in elected assemblies", leading to an electoral law change to ensure representation in local elections.

In May 2016, the Council of Peers for Equality and Equal Opportunities for Women and Men was created by Order no. 626. It was mandated to advise on measures to ensure gender mainstreaming and gender equality in all government plans, programmes, strategies, and budgets. The Council includes, in addition to representatives of ministries, representatives from the Presidency of the Republic, the Assembly of the Representatives of the People, and civil society as permanent members. The Council also plays an important role in monitoring obstacles to gender mainstreaming, and accordingly may seek to address them by submitting proposals for administrative procedures and legislative and regulatory reforms.<sup>47</sup> The Council is to issue annual reports of its work.

## Challenges related to gender equality and the SDGs

Women's and girls' right to property is an area of concern in Tunisia. Although the Maputo Protocol stipulates that "Just like men, women have the right to inherit property of their parents, in equitable shares", the Tunisian Code of Personal Status stipulates that "They [the daughters] intervene as agnate heirs of their brothers. In this case, their participation will be carried out according to the principle to which the share of the heir of the male sex is double of that allotted to an heir of the female sex".<sup>48</sup> In November 2018, a bill on equality between men and women in relation to inheritance was approved by the Cabinet and the president, which grants women and men equal inheritance rights. This law would constitute an amendment to the Code of Personal Status and it came as an initiative of the late President Essebsi, after years of advocacy and social dialogue led by the women's rights movement in Tunisia.<sup>49</sup> However, "the Islamist Ennahda party has rejected the reform, and parliament has yet to review the draft legislation".<sup>50</sup> Thus, women continue to not have equal access to their inheritance, therefore depriving them of some of their own independent financial and property resources. In its report to CEDAW in 2021, Tunisia reported that, generally, women's ownership of property, particularly land, real estate, inheritance, or other resources, remains very low, and they do not have access to traditional financial banking services on an equal basis with men.<sup>51</sup>

Rural women, in particular, continue to be marginalised and discriminated against. The majority of the 32 per cent of women living in rural areas do not have secondary education and many are illiterate (around 30 per cent). Despite making up to 70 per cent of the agricultural workforce in Tunisia, they are paid around 50 per cent less than men, even when conducting the same work.<sup>52</sup> With many working as daily or seasonal workers for a wide range of employers, only 33 per cent of women are covered by social protection schemes, substantially less than men.<sup>53</sup> They also face unsafe and expensive informal transportation to their workplace, which reduces their economic benefits and puts them at risk of injury.<sup>54</sup> To redress this fact, the National Strategy for Economic and Social Empowerment of Rural Women and Girls (2017–2020) was adopted. This

<sup>47</sup> Article 4 of that Decree stipulates that the Council shall be chaired by the Head of Government or, if necessary, an individual delegated by the Minister of Women's Affairs. For further background information about the Council of Peers, see CEDAW Committee, "Seventh [periodic report submitted by Tunisia under article 18 of the Convention, due in 2020](#)", CEDAW/C/TUN/7, 29 December 2021, paras 82-90.

<sup>48</sup> 1956 Tunisian Code of Personal Status.

<sup>49</sup> See [Seventh periodic report submitted by Tunisia under article 18 of the Convention](#), 29 December 2021, CEDAW/C/TUN/7, paras 48.

<sup>50</sup> Baker Institute, "Stumbling Block: Inheritance and Women's Rights in Tunisia", 29 June 2021, <https://www.bakerinstitute.org/research/stumbling-block-inheritance-and-womens-rights-in-tunisia>.

<sup>51</sup> *Ibid*, para 330.

<sup>52</sup> Arab Reform Initiative, "Tunisia: COVID-19 Increases Vulnerability of Rural Women", <https://www.arab-reform.net/publication/tunisia-covid-19-increases-vulnerability-of-rural-women>.

<sup>53</sup> <https://www.webmanagercenter.com/2019/11/19/441491/tunisie-pres-de-70-des-travailleuses-agricoles-nont-pas-de-couverture-sociale>.

<sup>54</sup> Arab Reform Initiative, "Tunisia: COVID-19 Increases Vulnerability of Rural Women", <https://www.arab-reform.net/publication/tunisia-covid-19-increases-vulnerability-of-rural-women>.

strategy, first amongst North African countries, focuses on rural women and girls' economic empowerment, including increasing employment and access to vocational training, and facilitating the transition from informal sectors to the formal economy.<sup>55</sup>

Tunisia is committed to the 2030 Global Sustainable Development Goals (SDG), adopted by the United Nations in 2015. It was ranked first in Africa in advancing towards the SDGs in 2020, out of 52 countries, according to a report published by the Sustainable Development Goals Center for Africa. However, in 2022, Tunisia showed a regression and was overtaken by Algeria in the Arab region. This led to Tunisia being ranked 69th in the world in terms of sustainable development out of the 163 countries assessed. Tunisia has issued two Voluntary National Reports on the SDGs, the first of which was in 2019.<sup>56</sup> This report shows on the one hand the great achievements made in the post-revolution period, but on the other hand, it shows that there is still a long way ahead. Despite some progress, the figures remain modest compared to the efforts and budgets allocated for the achievement of the objectives, as confirmed by the second Voluntary National Report of 2021, showing the impact of the COVID-19 pandemic.<sup>57</sup> As such, it was recommended that Tunisia must make more efforts in socio-economic matters as a priority within the SDGs framework: while "80% of the targets are covered by the objectives/actions of the Five-Year Development Plan (PQD 2016-2020) of which 49 targets are perfectly aligned (...) data related to multidimensional poverty and income inequality, hunger, food safety, gender equality, the inclusion of vulnerable groups and the protection of the environment are still insufficient."<sup>58</sup>

## 2

### Women's public and political participation

#### Legal framework and applicability

The 2014 Tunisian Constitution ensured parity in elected assemblies. This meant 48 per cent of candidates to legislative elections in 2014 were women, and they constituted 31 per cent of the parliament between 2014 and 2019.<sup>59</sup> In 2017, Organic Law 2017-07 was passed to ensure vertical and horizontal parity in party lists, including having equal numbers of male and female heads of lists. As a result, in the 2018 municipal elections, women represented 47 per cent of local council positions. However, they only represented 29 per cent of council heads and 16 per cent of governors. This is due to gender power dynamics, and the fact that "female candidates (...) had much lower levels of previous political and leadership experience than male candidates. Only a small minority of female candidates had political experience or had previously worked in any administrative capacity".<sup>60</sup> In the 2019 legislative elections, women won 53 seats (24.4 per cent) and the changes in electoral law in 2022 have meant that the 17 December 2022 elections witnessed a much-reduced number of women candidates: 122 women against 936 men, representing 15 per cent of candidates. The newly elected parliament in January 2023 will have 25 women elected in a 161 seats legislature, 16 per cent of representation.<sup>61</sup>

Also important is Law 58 of 2017 on Violence against Women (see below, GBV section), which includes political violence as one of the prohibited forms of violence. It defines political violence

<sup>55</sup> Ibid, para 97.

<sup>56</sup> Voluntary National Report of Tunisia On the Implementation of the SDGs, 18 July 2019, <https://hlpf.un.org/countries/tunisia>.

<sup>57</sup> Second Voluntary National Report on the Implementation of the SDGs in Tunisia – 2021, 15 July 2021, [https://tunisia.un.org/sites/default/files/2021-09/VNR\\_Report\\_Tunisia%202021.pdf](https://tunisia.un.org/sites/default/files/2021-09/VNR_Report_Tunisia%202021.pdf).

<sup>58</sup> Ibid.

<sup>59</sup> Nawaat, "Législatives 2022: Les Femmes, Rares Et Indéfinissables", <https://nawaat.org/2022/12/13/legislatives-2022-les-femmes-rares-et-indefinissables/>

<sup>60</sup> International Republican Institute, "SheVotes: Tunisia Understanding Barriers to Women's Political Engagement in Tunisia", <https://www.iri.org/resources/shevotes-examines-barriers-to-womens-political-engagement-in-tunisia/>.

<sup>61</sup> Reuters, "Analysis: Tunisia's male-dominated parliament deals blow to women's gains", <https://www.reuters.com/world/africa/tunisias-male-dominated-parliament-deals-blow-womens-gains-2023-02-14>.

as any act or omission that aims at depriving or hindering women from practicing any political, partisan, or associative activity or any of the fundamental rights based on gender discrimination.

## Challenges

For women's political participation in Tunisia, it is important to guarantee a favourable legal framework that is in harmony with Tunisia's international commitments, particularly CEDAW. However, legal harmonisation to international human rights standards is lagging behind. Guaranteeing the rights (including those of equality, non-discrimination, and political participation) of women and marginalised groups is necessary to achieve greater and more inclusive representation of Tunisian people. Thus, electoral legal reform and applicability to meet international standards is a key challenge and should include representation of women, people with disabilities, and young people.

One of the major challenges facing women is politically motivated gender-based violence (GBV). Post-revolution election studies and reports with a gender focus have confirmed that women are subject to symbolic violence on their election posters and attacks on social networks during election campaigns. In 2019, several female MPs were subjected to different forms of violence,<sup>62</sup> including physical violence.<sup>63</sup> A 2019 study found that 74 per cent of female respondents are not more engaged in politics because they fear violence.<sup>64</sup> Moreover, "based on [League of Tunisian Women Voters] LET's years of collected testimonies from women who were victims of political violence in their local communities when they started getting involved in political life, such attacks intensify even further when the women report or sue the male assaulter".<sup>65</sup>

Gender norms prevent women's participation in political life, and it's even seen as haram in some conservative regions. Women are meant to take care of domestic duties, while the social and political public spheres remain male-dominated spaces.<sup>66</sup> "Political and associative life remains a male affair, with a rate of 4.5% of active women in the various types of associations and only 2.5% of members in political parties. The participation of women presented by the media seems beyond social reality",<sup>67</sup> as confirmed by the study conducted by the Centre for Research, Studies, Documentation and Information on Women (CREDIF) in 2016. There is also a rural and urban divide, with women in rural areas having more difficulties accessing political participation, due to conservative norms as well as a greater lack of education and financial resources.

Women's representation in non-elected bodies, including the latest appointment of the members for the Independent High Authority for Elections as solely men, confirms the difficulty women face in accessing political life. The same landscape exists in relation to the governors in Tunisia: of the 24 governors appointed by the president, there is only one woman, the head of the city of Nabeul.

As a result of these difficulties, women are more inclined to engage in civic activities than in politics. They take part in CSOs to have a space to voice their concerns and influence change. Moreover, "under the social restrictions of conservative regions, women do not have many opportunities to meet people outside their families, making them dependent on the men in the family. Civil society activities give them the opportunity to meet and exchange ideas and improve their skills in a nonthreatening environment".<sup>68</sup> However, participating in civil society activities remains a challenge for women in particularly conservative settings as they need permission from

<sup>62</sup> "Violence en politique: les femmes comme cibles privilégiées", <https://nawaat.org/2020/12/15/violence-en-politique-les-femmes-comme-cibles-privilegiees/>.

<sup>63</sup> "Tunisie : sit-in devant l'ARP pour dénoncer la violence et défendre les droits des femmes", <https://www.aa.com.tr/fr/afrique/tunisie-sit-in-devant-l-arp-pour-denoncer-la-violence-et-defendre-les-droits-des-femmes/2081946>.

<sup>64</sup> "Data: Tunisians Pessimistic About Electoral Process", International Republican Institute, 28 March 2019, [iri.org/resource/data-tunisians-pessimistic-about-electoral-process](https://www.iri.org/resource/data-tunisians-pessimistic-about-electoral-process).

<sup>65</sup> Besma Soudani, Najla Abbes, "Shaping the Future of Multilateralism: Outlawing gender-based political violence: Can Tunisia's example carve a multilateral path for others?", Heinrich-Böll-Stiftung, [https://eu.boell.org/sites/default/files/2021-05/Shaping%20the%20Future%20of%20Multilateralism%20-%20Besma%20Soudani%20Belhaj%20and%20Najla%20Abbes\\_FINAL\\_1.pdf](https://eu.boell.org/sites/default/files/2021-05/Shaping%20the%20Future%20of%20Multilateralism%20-%20Besma%20Soudani%20Belhaj%20and%20Najla%20Abbes_FINAL_1.pdf).

<sup>66</sup> International Republican Institute, "SheVotes: Tunisia Understanding Barriers to Women's Political Engagement in Tunisia", <https://www.iri.org/resources/shevotes-examines-barriers-to-womens-political-engagement-in-tunisia>.

<sup>67</sup> Study made by Credif, "Gender-based violence in the public space in Tunisia, 2016", <https://morocco.unwomen.org/sites/default/files/Field%20Office%20Morocco/Documents/Publications/2016/12/The%20violence%20based%20on%20the%20gender%20in%20the%20public%20space%20in%20Tunisia.pdf>.

<sup>68</sup> "Exploring Women's Participation in Civic Life in Tunisia", [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/democracy/tunisia-exploring-womens-participation-in-civic-life.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/tunisia-exploring-womens-participation-in-civic-life.pdf).

their male relatives who might be against their involvement. Domestic duties and a lack of information are also barriers for women's participation in civil society groups and activities.

The disability rights struggle for both sexes was strengthened with Article 48 of the 2014 Constitution which created an obligation on the State to protect persons with disabilities from discrimination and to integrate them in society. This has been maintained in the 2022 Constitution (Article 54), although the language has changed slightly. Following the ratification of the CRPD, Tunisia has committed to increase its efforts to strengthen the political rights of persons with disabilities and to ensure full integration and representation and equality in political life in accordance with Article 34 and Article 48 of the 2014 Constitution. However, there is a complete absence of persons with disabilities in the Assembly of the People's Representatives, a reduced number of women with disabilities in municipal councils, and in the new electoral law there is a total absence of the obligation of representation of people with disabilities in electoral lists, which contradicts Article 54 of the new Constitution, which stipulates: "The State protects disabled people against any discrimination and takes all the appropriate measures to guarantee them full integration in society."

## Opportunities and key programmes or initiatives

There are areas that if strengthened present a key leverage point to improve the presence of women and young people in public and political life and decision-making both at the institutional level and at the social level.

- a) There are a number of CSOs specialising in elections and in the monitoring of public and political participation. These include Albawssala, Mourakiboun, ATIDE, and the National Federation of Tunisian Cities. It will be important to strengthen the capacities of these organisations to work through a gender and social integration lens and not be limited to counting the number of women in public office. In addition, it is important to encourage these associations to work with feminist and women's organisations to improve their gender approach. Other organisations like Aswat Nisaa have a gender approach to their work, although this can be strengthened further. They work with women candidates, raise awareness of the importance of women in public and political participation, monitor participation, and carry out national and international advocacy.
- b) Existing programmes relevant to this subject, include:
  - ⇒ The European Union (EU) and Netherlands-funded 'EU 4Youth' programme is led by the International Cooperation Agency of the Association of Dutch Municipalities and its International Development Center for Innovative Local Governance (CILG-VNG International), and includes a component entitled 'Youth policy and youth participation in public policies in Tunisia - Fe3il.a' (2021-2025). It supports the participation and inclusion of young Tunisians in public life through access to culture and sport at the local level, including professionally, and remains one of the largest programmes for the participation of young women and men over the next three years.
  - ⇒ The Programme for Inclusive Municipal Leadership is led by the Federation of Canadian Municipalities with the support of Global Affairs Canada. It is implemented in Tunisia by CILG-VNG International and focuses on strengthening the capacity of women leaders in the management of local affairs and national institutions and municipalities to deliver public services that meet the needs of women and girls in eight municipalities. It also seeks to strengthen the capacities of these eight municipalities in the delivery of inclusive and gender-specific services.

## Recommendations on political and public participation

- ⇒ Support advocacy efforts calling for gender parity, including through supporting programmes and advocacy of CSOs that focus on gender parity, as well as providing a voice and political support for advocates who are harassed for their work to promote women's political participation.
- ⇒ Support the work of specialised organisations conducting public awareness on the importance of women's public and political participation, monitoring, and advocacy work, as well as efforts to support and train women candidates for public office.
- ⇒ Support efforts that bring together organisations that are active in the field of women's public and political participation and feminist organisations, to strengthen gender equality mainstreaming, coordination, and collaboration.
- ⇒ Engage CSOs and government entities in discussions on how to monitor and punish cyberspace crimes while at the same time respecting and protecting freedom of expression and advocate for their continuous collaboration. This may include discussions on amending

Law 58 to include cybercrimes as crimes of violence against women. It is important to involve Tunisian and international CSOs specialised in freedom of expression in these efforts.

- ⇒ Support and invest on the collection and analysis of data and information regarding GBV against women and girls in cyberspace, in order to guide programming.
- ⇒ Support the establishment of a national institutional structure mandated to monitor, report on, and assess GBV in cyberspace and in political violence.

### 3

## Gender-based violence

### Background, legal framework, and applicability

VAWG in Tunisia in both private and public spaces is pervasive. The most recent national survey on VAWG was conducted in 2010 by the Office National de la Famille et de la Population. It confirmed that 47.6 per cent of women have suffered at least one form of gendered violence during their lifetime, including 31.7 per cent physical violence, 28.9 per cent psychological violence, 15.7 per cent sexual violence, and 7.1 per cent economic violence.<sup>69</sup> A few years later, CREDIF conducted a study on violence against women in public spaces between 2013 and 2015. Its results confirmed that 53.5 per cent of women have been victims of various forms of gendered violence in public spaces, including 78.1 per cent who suffered insults and humiliations, 41.2 per cent physical violence, 75.4 per cent harassment and sexual assault, and 90 per cent various forms of violence on public transport.<sup>70</sup>

During the COVID-19 period, GBV cases increased substantially, with seven times more complaints to the specialised police units, as stated by the Minister of Women, Children and the Elderly.<sup>71</sup> The minister launched a website dedicated to VAW cases in Tunisia, and data from this website shows that 76 per cent of women are “victims of physical violence”, with their intimate partner being the perpetrator in 75 per cent of cases. It also mentions that four out of five women suffered from online violence in 2020, and that 68,000 complaints related to VAW and children were registered by the specialised police units in 2020.<sup>72</sup> Despite this information, it remains difficult to have a concrete estimate of the current GBV cases in Tunisia due to a lack of data collection and the fact that cases remain unreported due to social pressure on women to tolerate GBV.<sup>73</sup> Information also indicates that for some women, just expressing themselves freely on social media about public interest issues draws personal attacks. Women active in public and political life online immediately draw attention, increasing the risk of harassment.<sup>74</sup>

Even before the state carried out these GBV-related surveys, the ATFD had previously called for the drafting of a law that protects women from GBV, including campaigns on GBV from 1993 through the Listening and Orientation Center for Women Victims of Violence.<sup>75</sup> After the revolution, and in view of the results presented above, the ATFD and a coalition of women and human rights associations, the Capital North Africa Venture (CNAV) formed in October 2015, carried out an enormous advocacy effort, and invested their technical expertise in preparing the 58-2017 bill (Law 58 cited below). The CNAV, at one point composed of nearly 60 civil society groups, advocated for the adoption of a law and related monitoring mechanisms to address the rise in all types of violence and particularly VAWG in the post-revolutionary context.

<sup>69</sup> CREDIF, “La Violence fondée sur le genre dans l'espace public en Tunisie”, 2016.

<sup>71</sup> Webmanager Centre, “Tunisie : 14 000 signalements sur la violence contre la femme”, in <https://www.webmanagercenter.com/2020/11/24/459566/tunisie-14-000-signalements-sur-la-violence-contre-la-femme/>

<sup>72</sup> “Toutes Et Tous Uni.E.S Contre Les Violences”, <https://www.contre-violences-femmes-tunisie.com>.

<sup>73</sup> Human Rights Watch, “So What If He Hit You?”

Addressing Domestic Violence in Tunisia”, [https://www.hrw.org/report/2022/12/08/so-what-if-he-hit-you/addressing-domestic-violence-tunisia#\\_ftn3](https://www.hrw.org/report/2022/12/08/so-what-if-he-hit-you/addressing-domestic-violence-tunisia#_ftn3).

<sup>74</sup> Nawat, “Tunisia : Women Campaigning Against the Impunity of Cyberviolence”, 17 November 2020.

<sup>75</sup> Le ROFAF : Tunisie: Violence contre les femmes - Nouveaux centres d'écoute et d'orientation, 5 July 2012, <http://rofaf.org/index.php/actualites/881-tunisie-violence-contre-les-femmes-nouveaux-centres-decoute-et-dorientation>.

In July 2017, parliament adopted Tunisia's first national law for the eradication of GBV against women, Law 58, crowning the united efforts of civil society. This victory marked an important turning point in the fight against VAWG. It covers what experts refer to as the 'Four Ps': violence prevention, protection, programmes and care for victims (*prise en charge* in French), and prosecution of the perpetrators. The law provides for a mechanism that facilitates the journey of VAWG survivors through the response system and preserves their dignity. It is the result of the adoption of a multi-sector strategy based on coordination between the various first-line stakeholders: health, justice, law enforcement, social protection, etc. It is based on the universal references of human rights and women's rights, and adopts international definitions of the various forms of VAWG, including physical, verbal, psychological, sexual, and economic violence, and links it to gender-based discrimination. The legal term 'victim' not only concerns women but also extends to girls and the children who live with them. This law also catalysed the creation of a National Observatory to Combat Violence against Women and a mapping of VAWG response services publicly available.<sup>76</sup>

Tunisia has 130 units specialising in VAWG throughout the territory, and these are part of the national guard and the police. Victims have the right to be informed about their rights and legal aid, health monitoring, reparation, care, psychological support, and accommodation. They should also benefit from protections provided by law and their complaints heard by judges who are specialists in VAWG cases. A hotline to report VAWG – *ligne verte* – is also operational through the Ministry of Family, Women, Children and the Elderly, and the ministry conducts awareness raising activities on VAWG, its impact, and ways to mitigate it. However, several women who have reported cases to the special police units have complained of mistreatment, mainly related to the fact that the responses from police agents are limited, do not take them seriously, and even try to persuade them not to report. In addition, these specialised units are only operative during working days and are lacking in human and material resources. Judges have also been described by survivors as having sexist biases. Witnesses have stated that in some cases their declarations were questioned as fake and that in others a lack of resistance from the part of the victim was seen as equivalent to a lack of aggression.<sup>77</sup> A lack of access to information or referrals to VAWG services has also been reported, and women who have approached health personnel have noted their lack of sensitivity and training in dealing with GBV cases. Moreover, there are only 10 shelters in Tunisia with a total capacity for 186 women and children. The Ministry of Women is planning on having at least one centre per district by 2024.<sup>78</sup>

In terms of GBV against LGBTQI+ people, while Article 21 of the 2014 Constitution affirms equality between citizens without discrimination and Articles 22 and 23 of the 2022 Constitution guarantee almost the same rights, Tunisia's Penal Code continues to enforce provisions which are often used against individual freedoms in general, and against LGBTQI+ people in particular. Same-sex sexual activity is prohibited under the Penal Code, which criminalises acts of 'sodomy' and carries a maximum penalty of three years' imprisonment. Both men and women are criminalised under this law.<sup>79</sup> Article 226 of the Penal Code is also used to punish all those who behave in a way that is said to be inconsistent with traditional social norms; under the heading of public decency, for example, transgender people are arrested.<sup>80</sup>

Transsexual or transgender people's preferred gender choice is not recognised in their official papers (birth certificate, NIN, passport, etc.), and they do not enjoy the same social services as other citizens; for example, in terms of health they are often poorly received and mistreated in health services. Because of these barriers and discrimination, they often opt for self-medication, which can put them in danger. Many CSOs have denounced this situation. In addition, often homosexual people who are under arrest are obliged to undergo a rectal examination by the police, as a way of checking their sexual orientation. This test is defined as an act of torture and

<sup>76</sup> "Cartographie Des Services : destinés aux femmes victimes des violences ou en situation de vulnérabilité en Tunisie", <http://www.sosfemmesviolences.tn>.

<sup>77</sup> Oxfam, "L'accès à la justice des femmes victimes de violence, entraves et défis", [https://www.oxfam.de/system/files/documents/atfd-studie\\_franzoesisch.pdf](https://www.oxfam.de/system/files/documents/atfd-studie_franzoesisch.pdf).

<sup>78</sup> Human Rights Watch, "Tunisie : La loi sur les violences domestiques ne protège pas les femmes", <https://www.hrw.org/fr/news/2022/12/08/tunisie-la-loi-sur-les-violences-domestiques-ne-protège-pas-les-femmes>.

<sup>79</sup> Human Dignity Trust, [Tunisia](https://www.human-dignity.org/en/location/middle-east-and-north-africa/tunisia/report-tunisia/).

<sup>80</sup> Amnesty International, Tunisia 2021, <https://www.amnesty.org/en/location/middle-east-and-north-africa/tunisia/report-tunisia/>

degradation.<sup>81</sup> LGBTQI+ people are often victims of police persecution and called by degrading terms. In prisons, too, they suffer ill-treatment.<sup>82</sup>

## Challenges

Tunisia has still not ratified the Istanbul Convention on preventing and combating violence against women and domestic violence. There are contradictions in existing legal framework, particularly between the Constitution, Law 58, the Penal Code, which was reformed in recent years, as well as the rest of the governmental decree-laws issued during the COVID-19 pandemic and which have guaranteed measures deemed positive for the empowerment of women. Legal harmonisation with the 2014 Constitution was already an unfinished project before the 2022 Constitution. These are complex and long processes that require a continuous participatory approach.

While Law 58 contains several strengths and achievements, there are many implementation problems. One of the great challenges is the lack of a consistent budget allocated for the implementation of the law, which creates blockages at several levels. Without this, planned support services for women victims of violence cannot be provided. The National Observatory to Combat Violence Against Women, provided for by Article 39 of the law, is still not operational. It was set up, but could not advance its work due to the lack of financial and human resources. It currently has no director and its scientific council has never met.

Another challenge is poor coordination structures between the various stakeholders that should implement this law. The Ministry of Family, Women, Children and Elderly People notes “the lack of clarity of the methodology of the work of the regional coordination committees for the fight against violence against women, which has an impact on the coordination and monitoring of VAW as well as the preparation of reports or statistics ”.<sup>83</sup>

Structures provided for by Law 58 do not benefit from public funding mechanisms, whether they are government shelters or those managed by civil society associations. However, there is financial support for women survivors of violence who are in urgent need to find accommodation quickly. Moreover, the shelters suffer from a procedural void because stakeholders, particularly civil society, have not agreed a protocol, rules, and procedures with the government, despite the fact that these centres receive referrals by judges, hospitals, local authorities, and other associations.

Survivors also encounter many difficulties in accessing justice due to social, cultural, and economic circumstances, including fear of stigmatisation, rejection, and social exclusion. Other difficulties are inherent to the judicial system, such as lack of access to information, difficulty in obtaining legal aid, complexity of administrative and judicial procedures, misinformation, and resistance from certain judges who continue to dismiss the law and to apply the penal provisions repealed by the new law.

On the prevention front, not enough has been done to disseminate information about the new law to the general public in terms of thinking of VAWG prevention through the education system, or strengthening the knowledge of the ministries of interior, justice, and other intervening ministries in terms of their obligations and the new rights of survivors.

## Opportunities and key programmes or initiatives

The GBV legal framework is limited because Law 58 specifically covers VAWG, while the rest of GBV provisions, such as violence against LGBTQI+ people, are not included. Tunisia should ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention on GBV). While the Istanbul Convention is specifically focused on VAWG, it is grounded in a gender discrimination framework in general. Therefore, while the ratification would not necessarily advance LGBTQI+ rights specifically, it would create obligations to fulfil standards and best practices on gender discrimination, which would consequently contribute to progressively advance LGBTQI+ rights. Supporting advocacy for the adoption of this Convention is an opportunity to contribute to a strategic change in GBV, and to

<sup>81</sup> UN Committee against Torture, [Concluding observations on the third periodic report of Tunisia](#), CAT/C/TUN/CO/3, 10 June 2016, para. 41.

<sup>82</sup> Presentation of the report on the situation of LGBT people in Tunisia; Tunisian Coalition for the Rights of LGBT People.

<sup>83</sup> Ministry of Family, Women, Children and the Elderly report 2020.

advance Tunisia's international commitments. In this sense, there is work to be done by the Euromed Rights Network, the Tunisian League of Human Rights (LTDH), and ATFD, as major actors in this area. Supporting an advocacy campaign for the ratification of this Convention would contribute to advancing the normative framework for gender equality in Tunisia in general.

Various recent national studies on GBV have focused on promoting preventative actions.<sup>84</sup> Prevention is mentioned in chapter 1 of Law 58, and the five ministries involved in the multisectoral agreement (justice; interior; social affairs; family, women and elderly; and health) are committed to work on it. However, the Ministry of Education should also contribute to a national prevention plan against VAWG and GBV in general.

- ⇒ The EMNA programme, 'For an integrated response to gender-based violence', which began in 2022 and will end in 2025 with a budget of €2.3 million, is supported by the European Union and United Nations Population Fund (UNFPA) and implemented in partnership with the Ministry of Family, Women, Children and the Elderly, the National Observatory for the Fight against Violence against Women, the CREDIF, the National Institute of Statistics (INS), the Office National de la Famille et de la Population, and CSOs. The main project activities revolve around the following three areas of intervention:
  1. Support to produce knowledge and strengthen the availability of evidence on GBV.
  2. Support to strengthen GBV prevention and adherence to gender equality and non-violence standards.
  3. Support to strengthen the access of survivors of violence to multisectoral, essential, and quality services that enable them to escape violence.

This programme could offer an opportunity for synergy as it focuses on prevention and the change of social norms. Working on prevention should include the participation of civil society through the National Associative Coalition for the Fight against Violence (Coalition Nationale Associative de lutte contre la Violence faite aux femmes - CNAV).<sup>85</sup> This coalition is well known for its studies and advocacy initiatives. It specialises in the fight against GBV because it brings together associations with experience on this front, offering assistance, guidance, legal aid, and shelters for survivors, women and children, as well as political influence at a national level.

## Recommendations to work on gender-based violence

- ⇒ Support the strengthening of special units to combat violence against women, established pursuant to Law 58. These units need equipment and resources in order to be operational. Collaboration with the United Nations Development Programme (UNDP), UN Industrial Development Organization, UN Women, and UNFPA, as the main UN agencies that work closely with the government to support these units, is essential to translate the law and plans into practical reality.
- ⇒ Encourage and financially support the commission of a study and discussions through workshops, analysing the adequacy and effectiveness of the approaches to the 4Ps (Prevention, Protection, Programmes and targeted Policies) in Law 58 of 2017 on Gender Based Violence, and its implementation in practice
- ⇒ Linked to this, encourage and support the assessment of effectiveness and challenges of the institutional infrastructure for prevention and protection. This includes assessing the effectiveness of inter-ministerial protocols/guides for ending GBV, and coordination between ministries and CSOs, as well as assessing the effectiveness of the National Observatory for the Fight against Violence against Women.
- ⇒ Related to this, encourage and support a review to strengthen the reference guides used for protection in order to strengthen the operation of protection through regional coordination. This should be linked to strengthening understanding by state officials (the three branches of government) and CSOs of Tunisia's obligations under both CEDAW and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- ⇒ On the basis of this, consider supporting the National Observatory for the Fight against Violence against Women.

<sup>84</sup> In the 2022 study 'Trajectories in the fight against violence against women: between blockages and resilience' by Dr. Ahlem Belhadj as part of the CNAV, the first major recommendation was 'Promote preventive actions violence'. In the 2021 study 'Access to justice for women victims of violence: obstacles and challenges' carried out by ATFD with the support of OXFAM, the first recommendation was also on prevention: "the State must make more efforts to prevent violence and eliminate discrimination against women".

<sup>85</sup> The CNAV includes: ATFD, LTDH, AFTURD, Beity, Association Femme et Citoyenneté, International Federation for Human Rights, Euromed Rights, and OXFAM.

- ⇒ Support the development of qualitative and quantitative indicators on GBV in all the areas that are covered in the law. The information needs to be disaggregated by sex, age, geographical areas, education level, nature of work, and work status, etc.
- ⇒ Support discussions with and training of law enforcement officials, prosecutors, and the judiciary, and the special units established in accordance with Law 58, to strengthen their abilities to implement the law on GBV.
- ⇒ Support specific initiatives that aim at analysing and addressing problems in the judiciary's response to domestic violence, including lengthy proceedings, alleged reluctance of some family judges to implement the law, failure to investigate withdrawn complaints, and complainants regarding challenges that women face in accessing provision of free legal aid or ineffective legal assistance.
- ⇒ Support specific initiatives for promoting sexual and reproductive health and education, providing survivors of GBV access to 24-hour shelters.
- ⇒ Encourage and support an assessment of the status and challenges of access to justice by women and girls and by LGBTQI+ people, with specific recommendations on legislative, administrative, awareness raising, budgetary, and other such measures.
- ⇒ Support the work of organisations that work specifically on promoting equality and protection for LGBTQI+ people.

## 4 Economic and social rights

### Legal and economic empowerment framework and applicability

#### Unemployment, informal work, and social security

Social security coverage in Tunisia remains one of the highest amongst the countries of the Maghreb. According to the latest Caisse National de Sécurité Social report, it reached 83.8 per cent of the active population in 2013. However, the social protection policy has clear shortcomings, in terms of the rate of coverage by health services, unemployment benefits in the event of job loss, and gender equity of social pensions.

Tunisia's social insurance consists of two distinct contributory funds, both administered by the Ministry of Social Affairs: the National Pension and Social Insurance funds. However, there are many challenges in the current social protection system, both in terms of access and regarding the efficacy of the systems themselves. Many of the relevant funds have experienced fund deficits which threaten the access and quality of assistance and coverage.

Tunisia's healthcare sector has long struggled to provide adequate care covered by the social security system, particularly to the country's interior regions (as opposed to coastal regions). Additionally, in most cases Tunisia's social protection schemes do not provide unemployment insurance, leaving workers who lose their jobs without adequate support. Another major challenge is that the majority of informal workers and their families are excluded from coverage, while only some informal workers and their families qualify for the non-contributory schemes targeted at poor and low income workers.

At the national level, female labour market participation is at 29 per cent, compared to 71 per cent for men. The gender pay gap is between 20 and 40 per cent less for women in both the formal and informal sectors. Informal work in Tunisia continues to significantly contribute to the national economy: it represents 44.8 per cent of jobs, affecting 49.5 per cent of men workers and 31.9 per cent of women. Informal work is more prevalent in rural areas. The impact of the lack of social security coverage for women in the informal sector is evident in the results of a rapid assessment of women informal workers in Tunisia conducted by the Tunisia Inclusive Labour Institute, which found that 84 per cent of surveyed workers lost income and 71 per cent fell into debt due to COVID-19. In addition, the oldest age group is subject to higher rates of informal work. The proportion of older women, aged 60+, stood at 14.3 per cent in 2020 and is expected to go up to 19 per cent in 2030.

The vast majority of the Middle East and North Africa (MENA) region's domestic workers are informally employed, the majority of whom are female and many under age. In Tunisia, 97 per cent had no contract and over 14 per cent had reported cases of sexual abuse in 2017. "An ILO [International Labour Organisation] study of child domestic workers in Tunisia indicated that many children, particularly young girls, are exploited as informal domestic workers at ages lower than 16. Daily working hours amounted to 12 for nearly 20% of surveyed girls and exceeded even 13 hours for nearly 14% of them"<sup>86</sup>.

Only 37 per cent of Tunisians, out of 11 million, contribute towards their retirement and only 17 per cent of older women have a pension compared with 94 per cent of men; only half the population is covered by health insurance; and there are no unemployment benefits for people who lose their jobs. In addition, one out of four Tunisians (23 per cent) receive allowances, while the poorest represent 40 per cent of the population. Tunisia has far more than 17 per cent of its population in poverty, not covered by social allowances. During the 2019 elections, as confirmed by the Ministry of Family, Women, Children and the Elderly as well as the Independent High Elections Authority, 300,000 women, the majority in rural areas, did not have an identity card, which is necessary for social security coverage as well as other social services.

Disability rates increase with age, and they are more prevalent among women. 31 per cent of women in the age group 60-69 and 49.4 per cent of women who are 70+ have a disability, compared to 29.6 per cent of men. Despite this, the National Strategy on Ageing addresses neither the rights of older women and men to social protection and an adequate pension, nor the right of freedom from discrimination in employment and the right to work when receiving a pension.

Tunisia has had a labour civil code since 1966 and a law for social security dating from 1960, which was revoked in 2000. Since the revolution, several international conventions of the ILO have been acceded to, but the old legal framework of the labour code and the law of social security have not evolved.

The general legal framework for labour and social security has only contributed to the advancement against gender inequalities thanks to other intersecting laws, such as the law against human trafficking, Law 58, and the national protocol for the transport of women farmers. Signed in October 2016, the memorandum of understanding between the Ministry of Women, TGLU, the employers' centre (UTICA), and the Tunisian Union of Agriculture and Fisheries fixed the conditions of work for women in rural areas and their social security coverage. However, this memorandum is still not applied.

The legal framework that covers social security in Tunisia is outdated. It was established in 1960, a year after the independence of Tunisia. It was reviewed in 2000, more than 22 years ago. This is particularly important considering that the Tunisian revolution was driven by social inequalities, under slogans such as 'Work, freedom and dignity' and 'Bread, freedom and dignity'. Yet, social inequalities persist, accompanied by an increase in social movements and social demands.

In May 2017, an evaluation on the performance of social assistance programmes in Tunisia was conducted by the Center for Research and Social Studies and supported by the African Development Bank. It was one of the first evaluations of this type not only in Tunisia but also in the MENA region. In the analysis of the performance of the two programmes, Programme National d'Aide aux Familles Nécessiteuses (PNAFN) and the Assistance Médicale à Tarif Réduit (AMG2), in targeting the poorest families, it found that 35.5 per cent of households in need were excluded from the two programmes. This is a high rate, particularly when considering that the programmes cover the poorest and most vulnerable populations in Tunisia.

### **Social inclusion for women and young people**

Regarding the economic and social emancipation of women and young people, there has been progress and laws have been promulgated in recent years which advance gender equality in Tunisia. Beyond Law 58 on VAWG, these also include Tunisia's commitments to the ILO conventions and the fight against human trafficking. These include:

- **The Social and Solidarity Economy Law (SSE):** With its adoption by parliament in June 2020, Tunisia became the first country in the Maghreb and the Arab world to have

<sup>86</sup> OECD/International Labour Organization/Center of Arab Woman for Training and Research (2020), "Decent work for the most vulnerable", in *Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia*, OECD Publishing, Paris.

such a legal framework. Economic and social objectives ensure the balance between economic growth and social equity, equitable coexistence of the public and private sectors (profit or not), and the economic and social inclusion of disadvantaged and marginalised populations – of which women and young people are the majority. However, “civil society organisations have been advocating to include a gender approach in the law, which is currently gender-neutral”.<sup>87</sup>

- **Entrepreneurship Law:** Adopted in June 2020, it marked the birth of the self-employed sector in Tunisia, putting an end to a long wait in economic life, especially for young people and people with freelance activities. The status of self-employed entrepreneur is granted to anyone exercising ‘individually’ an activity in the industrial, agricultural, commercial, services, crafts, or trades sector provided that this activity generates a turnover of less than 75,000 dinars per year. Ministries, national organisations, multidisciplinary experts, and associations representing civil society have set up multisectoral work teams to provide this bill with the best guarantees of implementation and success.
- **Law for Domestic Workers:** Adopted in July 2021, it confirmed the prohibition of child labour and ensured better work conditions for this sector, which is feminised and includes a large number of sub-Saharan migrant women.

These laws have contributed to better protections for informal work for women, as women traditionally occupy a large part of craft, agricultural, and domestic work – stereotypically seen as women’s tasks. The SSE law integrates these occupations, and the women who perform them are therefore covered by a clear legal framework.

## Challenges

The legal framework, which dates back several years, is neither in harmony with Law 58 on VAWG, which addresses economic violence, nor with Tunisia’s international obligations related to social and economic rights. This is an obstacle for the integration of gender equality and social inclusion today and in the future as it will likely block upcoming reforms as it continues to put elite men at the centre.

Moreover, the social protection system does not address single-parent families – particularly relevant with Tunisia experiencing a divorce rate of more than 40 per cent. Therefore, divorced women with child custody are left at the margins and excluded from social security benefits. While the law for domestic workers was adopted, two years after its adoption, its implementation remains undefined. Its implementation text could be decided via decree-law, but it does not seem to have been prioritised.

The SSE Law also lacks an implementation mechanism, as confirmed by the SSE expert Naouel Jabbès, trade union activist and expert in rural development: “The SSE is a concept that conveys principles and values that put the person at the center of economic activities. They cannot be adopted by a simple legal act. They need to be part of the convictions of the social economic actors. It is therefore necessary to work on cultural and societal change in Tunisia and on the pedagogy of the SSE. We recognise some of the stakes of the Tunisian ‘revolution’, namely, social justice, interregional development, social and economic integration of the marginalized parts of Tunisian society. Living well together, in a collective respecting the environment, this is what the SSE should lead us to”.<sup>88</sup>

As seen above, the exclusion rate in the two programmes (AMG2 and PNAFN) of the poorest people demonstrates a failure in defining targets. Considering that 35 per cent of the poorest households remain excluded, it is probably a policy related problem. These two programmes date from the 1980s, and just like the laws, they are not adapted to an evolving reality. This is worrying, because these programmes are meant to support those who are most in need – particularly when it comes to women in the informal sector and poor women.

The INS is one of the key institutions in Tunisia best placed to understand the country’s situation and conduct an analysis of the social, economic, financial, and demographic reality. However, since 2015 when the Gender Profile of Tunisia was published in partnership with UN Women, there have been no new publications of this type. Social statistics are not disaggregated by gender and there are no statistics relating to specific social security coverage. The societal data that the

<sup>87</sup> OECD/ILO/CAWTAR (2020), “Changing Laws and Breaking Barriers for Women’s Economic Empowerment in Egypt, Jordan, Morocco and Tunisia, Competitiveness and Private Sector Development”, OECD Publishing, Paris, <https://doi.org/10.1787/ac780735-en>.

<sup>88</sup> Denis Stokking, “La loi tunisienne sur l’économie sociale et solidaire”, [na\\_2020\\_la\\_loi\\_tunisienne\\_sur\\_leconomie\\_sociale\\_et\\_solidaire.pdf \(pourlasolidarite.eu\)](https://www.pourlasolidarite.eu/na_2020_la_loi_tunisienne_sur_leconomie_sociale_et_solidaire.pdf).

INS produces concerns, for example, rates of education, unemployment numbers, or statistics on health workers, such as doctors and dentists per inhabitant, without any gender disaggregation. If we ask how many women in Tunisia benefit from social security and how many women are enrolled in the seven social security schemes in Tunisia, we can find the answers for employees in the public sector (Caisse Nationale de Retraite et de Prévoyance Sociale) and the private sector (Caisse National de Sécurité Sociale). But otherwise, there is very little information, particularly in terms of gender-specific data.

## Opportunities and key programmes or initiatives

Official statements recognise the analytical gap related to social coverage, accessibility, and performance. A possible advocacy message to focus on is the fact that benefits are given to the head of the family in the Personal Status Code, as only men as heads of household can benefit from tax reductions. An issue that several organisations such as ATFD, Association des Femmes Tunisiennes pour la Recherche sur le Développement (AFTURD) and Asswat Nissa are working on is to have fair and equitable taxation for men and women.

Programmes working on this area are:

- ⇒ Expertise France-AFD in partnership with the Minister of Fisheries and Agriculture and the Ministry of Family, Women, Children and the Elderly have just launched one of the largest programmes for the socio-economic inclusion of women in the agricultural sector. This programme is endowed with more than 3 million Euros and it has a fairly consistent gender approach. It will run from 2023 until 2025.
- ⇒ The ILO regional programme for women's work focuses on the legal framework for better work conditions for women in Tunisia and Egypt. It is renewed for the next two years and it represents a good opportunity to strengthen the socio-economic inclusion of women on a national and regional scale.
- ⇒ The area of women's entrepreneurship with UNDP has existed for a while now, and it is further developed thanks to a partnership with the Ministry of Vocational Training and Employment.
- ⇒ In 2018, the Beity Association launched a training programme for carers, thanks to the support of the Drosos Foundation. It provides vocational training in the care sector and for social life auxiliaries.<sup>89</sup>

## Recommendations on women's economic empowerment

- ⇒ Support the development for gender mainstreaming in data collection, for example in relation to poverty rates of women in the public and private sector, the unemployment rate, women's work in the informal sector, access to ownership and other assets, regional disparities, etc.
- ⇒ Support programmes by the government and CSOs that aim at advancing women's economic empowerment, including through access to work and employment, entrepreneurship, ownership and access to assets, in addition to access to protection and enjoyment of rights while at work, with a focus on rural areas and in remote regions.
- ⇒ Encourage and support efforts aiming at amendments to legislation in order to protect joint ownership of and access to assets and property during marriage and upon its dissolution, and the adoption of the draft law granting equal inheritance rights to men and women.

# 5

## Women, peace and security

### Preparing the second National Action Plan on Women, Peace and Security

Tunisia was elected as a non-permanent member of the Security Council both in 2002 and 2019. The first Tunisia National Action Plan (NAP) on Women, Peace and Security (WPS) was adopted

<sup>89</sup> Beity Sawa Programme, [https://beity-tunisie.org/?page\\_id=1645](https://beity-tunisie.org/?page_id=1645).

in August 2018, for 2018-2022. It was developed through a partnership between government agencies, UN Women, and the Arab Women's Training and Research Centre,<sup>90</sup> which was the only CSO that had an official role in the process of developing the plan. Other organisations attended some workshops conducted during the process, but overall civil society involvement in preparing the NAP has been characterised as low.<sup>91</sup>

Tunisia's commitments, according to the preamble of the NAP, concern the implementation of this resolution and its transformational agenda into "a living reality within a safe and balanced society, free from all forms of violence and discrimination and capable of dealing with the dangers of extremism and terrorism, and in which women are economically and socially empowered and actively participate in decision-making and in sustainable development and peace". However, the keyword most mentioned is "terrorism", implying that the NAP's objectives go beyond gender equality and women's rights.<sup>92</sup> During the launch of this first NAP, Minister Naziha Abidi stated that "one of the strong points of the action plans established within the framework of the implementation of this UN resolution is the program *A project for each region* which is meant to create pilot projects in marginalized and poor regions located on the borders and which are threatened by terrorism and violent extremism".<sup>93</sup>

The WPS NAP is grounded in the premise that Tunisia is not secure or immune against the occurrence of any conflict on its soil for the following reasons:<sup>94</sup>

- Tunisia is influenced by the regional geopolitical context, especially in the aftermath of the revolutions in other Arab countries, resulting in reduced security in many countries;
- It is geographically adjacent to Libya, which is experiencing armed turmoil and conflict;
- Its location in North Africa and its proximity to Europe turns Tunisia into a crossing point for many criminal acts, including human trafficking, smuggling, arms trade, other illegal trade, and illegal immigration;
- The influx of refugees from various parts of Africa, and Arab countries facing instability after the revolutions, and instability in the countries of asylum (Syria and Libya);
- "The development of the radical discourse since the Revolution, being dedicated to the religious and ideological extremism at the nongovernmental organizations, in addition to the development in the number of mosques from 2011 until the end of 2014, in the social media platforms and on the internet and even in the media, which fuelled some groups in Tunisia that targeted undermining the women's rights and retrogression from the gains acquired in this area, as well as the recurrence of the discriminatory practices against women",<sup>95</sup>
- "The return of male and female terrorists from the armed conflict areas, as Tunisia faces this issue without any practical preparations in order to support them and to prevent them from causing harm and resuming the extremist practices inside the country, and the lack of a clear program for their inclusion and rehabilitation."<sup>96</sup>

The 2018-2022 NAP focuses on five areas, all of which refer to counter-terrorism objectives:

- "Protecting women and girls from all forms of violence before, during and after conflicts, crises and natural disasters and from the threat of terrorism;
- Ensuring that women and girls are protected from all forms of violence and gender-based discrimination in situations of conflict and terrorism; ensuring their safety, their physical, psychological and mental health and their security; and facilitating their access to justice and their enjoyment and exercise of their human rights;
- Fostering the participation of women and girls in political and public life and decision-making with a view to maintaining peace, resolving conflicts and countering terrorism;
- Relief, peacebuilding, peacekeeping and reconstruction, with women and girls making an effective contribution as active partners in peacebuilding, sustainability, reconstruction and countering terrorism;
- Awareness, advocacy and information related to the implementation of the Plan."<sup>97</sup>

<sup>90</sup> See [Seventh periodic report submitted by Tunisia under article 18 of the Convention](#), 29 December 2021, CEDAW/C/TUN/7, para 99.

<sup>91</sup> <https://www.wpsnaps.org/nap/tunisian-national-action-plan/>.

<sup>92</sup> Ibid.

<sup>93</sup> <https://lapresse.tn/27579/resolution-1325-du-conseil-de-securite-femmes-paix-et-securite-pas-de-paix-sans-les-femmes/>.

<sup>94</sup> [Tunisia Women Peace and Security National Action Plan](#) - Unofficial translation, funded by ARC DP160100212 (CI Shepherd), Global Network of Peace Builders.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Seventh periodic report submitted by Tunisia under article 18 of the Convention, December 29, 2021, CEDAW/C/TUN/7, para. 101.

Sectoral plans were prepared in committees involving civil society and individuals from ministerial agencies and independent organisations. They are being implemented despite scarce budgetary resources,<sup>98</sup> which is unsurprising as there is no budget allocated for this plan.

In preparation for developing the new NAP, the Ministry of Women's Affairs held a workshop in July 2020 to follow up on the first NAP's implementation, assess the progress made, and develop practical proposals for its future development.<sup>99</sup> Further, an evaluation of the first NAP was carried out by the Ministry of Family, Women, Children and the Elderly and UN Women in August 2022, but hasn't yet been published. However, the new NAP has not yet been launched and it is unclear when this will take place.

It should be noted that sex-disaggregated data on managerial positions in the Ministry of Interior and Defense is scarce. A study published by Aswat Nissa on security sector reform included an analysis of new appointments: there were a total of 104 governmental appointments between January 2019 and August 2020, of which 25 per cent were women and 75 per cent were men.<sup>100</sup> The former Minister of Women, Family, Children and Senior Citizens, Asma Shiri, declared that "there is a low representation of women in decision-making positions in senior civil servant jobs, where they represent 70% of all applicants but they only hold 5% of senior positions".<sup>101</sup>

## Challenges

The economic crisis has revealed the flaws in the country's development model because inequalities are becoming flagrant in all areas (education, health, employment, etc.) between regions, social categories, and gender. The WPS NAP was developed as a tool to advance internal peace within the country. However, the economic crisis and increased inequalities contribute to tensions rising and threatening internal peace.

Migrant women in Tunisia are subjected to recurrent violence by the security services which includes degrading and inhuman treatment during periods of arrest; random arrests; forced deportations; and accumulation of pecuniary penalties. Migrant women also suffer from a lack of access to justice in the event of arrest, disputes, violence, or abuse.

The focus of the WPS NAP is closely linked with preventing and combating violent extremism. This is unsurprising considering that Tunisia has the highest per capita population of foreign fighters joining ISIS in the world.<sup>102</sup> It is estimated that around 5,000 men from Tunisia have joined extremist organisations in Syria, Iraq, and Libya. The social and institutional stigmatisation that foreign fighters' relatives, and particularly women, endure has left many of them deeply traumatised and burdened.

A July 2015 law gave security forces wide-ranging authority to investigate suspected extremists' family members, impose restrictions on their movement within the country, and tap into their private calls and interactions. Measures were also imposed to prevent people from travelling inside and outside Tunisia based on appearance, religious beliefs, or previous criminal convictions.<sup>103</sup>

In its report, the Tunisian Forum for Economic and Social Rights specified that out of all legal cases related to violent extremism handled by the Tunisian justice system, only 4 per cent involved female defendants. This can be explained by two non-exclusive hypotheses:<sup>104</sup>

- Tunisian women are less likely than men to join a radicalised group, and

<sup>98</sup> Ibid, para 102.

<sup>99</sup> Ibid, para 103.

<sup>100</sup> Aswat Nissa, "Women and Global Security: Towards a Gender Responsive Reform of the Security Sector in Tunisia", <https://aswatnissa.org/wp-content/uploads/2019/10/Femmes-et-s%C3%A9curit%C3%A9-globale.pdf>.

<sup>101</sup> "l'intégration de l'approche genre dans la législation tunisienne relative au secteur de la sécurité entre 2019-2020", <https://www.aswatnissa.org/webinar/integration-de-lapproche-genre-dans-la-legislation-tunisienne-relative-au-secteur-de-la-securite-entre-2019-2020/>.

<sup>102</sup> United States Institute of Peace, "In Douar Hicher, Tunisian Women Are Breaking the Cycle of Violent Extremism", 20 December 2022.

<sup>103</sup> Saferworld, "Counter-terror in Tunisia: a road paved with good intentions?", September 2017, <https://www.saferworld.org.uk/long-reads/counter-terror-in-tunisia-a-road-paved-with-good-intentions>.

<sup>104</sup> FTDES, "Policy analysis on the migration: le chemin de la dignité", <https://ftdes.net/rapports/femmessubsahariennes.pdf>, page 118.

- Women's modes of engagement are particularly different from those of men and either less visible or considered less reprehensible in the eyes of Tunisian justice.

Further, according to Human Rights Watch in 2019, the Ministry of Women, Children, and the Elderly stated that about 200 children and 100 women claiming Tunisian nationality have been held abroad without charge for over two years as ISIS family members, most in Syria and neighbouring Libya and some in Iraq. A number of the children have ended up being stateless.<sup>105</sup>

Generally, WROs in many countries have experienced negative financial impacts on their funding opportunities and structures because available funding for projects, including WPS specific funding, focuses on preventing/combating violent extremism (P/CVE). This is a narrow view of P/CVE and WPS, which disregards the importance of gender equality programmes and their positive impact on WPS and P/CVE. While it is important to pursue sustainable, long-term funding for CSOs working on gender equality, including WROs, donors increasingly direct their funding at organisations that are conducting P/CVE programmes.

Women are often portrayed as innately peaceful, as peacebuilders, or community organisers in P/CVE programmes. Other programmes focus on women as victims of sexual violence and usually neglect existing structural restrictions on women's freedom of education, movement, and association. They also fail to take account of women's other experiences of violence, such as intimate partner violence and early enforced child marriages. Therefore, often, P/CVE programmes reinforce gender stereotypes. This contradicts programming within the WPS agenda that seeks to empower women and have a transformative effect.

The Tunisia WPS NAP includes assumptions that women, and mothers in particular, are well suited to participate in prevention activities within their homes and communities. This assumption is based on gender stereotypes, ignoring that women play diverse roles and have a range of experiences, including as perpetrators, victims, agents of prevention, and peacebuilders. The NAP discusses the need for "effectiveness and efficiency of the mechanisms and procedures intended to safeguard women and girls against violent extremism and terrorism", and provision of care to women and girls who survive violence and sexual violence. One of the expected outcomes of the Participation pillar is "Procedures and mechanisms promoting women's active engagement in negotiation and national dialogue for the sustainability of social security and civil peace to prevent conflicts and combat violent extremism and terrorism", through reinforcing the "capabilities of women and girls in the area of leadership, negotiation, and conflict resolution skills at the regional and local levels". The intention seems to direct efforts to counter-terrorism efforts more than to advance gender equality.

However, the NAP neither emphasises equally the need to prevent the engagement of women and girls and their recruitment by violent groups, nor on the reasons why they decide to join these groups. It also does not reflect on how gender norms related to masculinities are used to recruit and to respond to violent extremism from a security-focused approach, which might enhance violence and social inequalities.

Generally, there is little data on violent extremism. There is a dearth of knowledge specifically on the relationship between gender and P/CVE, which is necessary to enable an analytical gender perspective in P/CVE programmes, often resulting in gender stereotyping within these programmes.<sup>106</sup>

### **Council of Peers for Equality and Equal Opportunities for Women and Men**

There is a challenge in relation to the operationalisation and fluidity of the work of the Council of Peers for Equality and Equal Opportunities for Women and Men, which is one of the mechanisms necessary for the fight against discrimination and a tool for the better implementation of the WPS NAP. Despite the support of the International Forum of Canadian Federations and that of Oxfam (in the period of 2017-2020), the Council has still not set up an operation plan. This is due to successive political changes that affect not only the general political scene but also stability within the various ministries.

The second challenge is access to information: on the INS site, information on the number of employees and particularly on the number of women in this key sector is completely absent and

<sup>105</sup> Human Rights Watch, "Tunisia: Scant Help to Bring Home ISIS Members' Children - 200 Held in Squalid Camps and Prisons in Libya, Syria, Iraq", 12 February 2019.

<sup>106</sup> See LSE Centre for Women Peace and Security, "Preventing/Countering Violent Extremism and WPS: Concepts, Practices and Moving Forward Key Issues Report".

inaccessible. Also, the Ministry of Family, Women, Children and the Elderly, which leads on the implementation of the WPS NAP, does not make information available publicly and on a regular basis. For example, an electronic version of the NAP is not available yet on the ministry's website despite its availability in print.<sup>107</sup>

Finally, the deployment of the second plan will need funding, and given the situation of the complementary finance law of 2022/2023, funding can only be secured from donations and international grants.

## Opportunities

Tunisia achieved progress in terms of WPS and CVE, which is a focus of the WPS NAP, especially in relation to research and capacity building. There has been qualitative research on PVE. There are several Tunisian Forum for Economic and Social Rights reports that analyse social movements, migration, development, as well as suicide and extremism among young people.<sup>108</sup> This is a good source of information and analysis, even if the analysis is often focussed at the local levels and on cities.

Moreover, the 2018 study 'Thinking about gender in responses to violent extremism' on Tunisia, conducted by Oxfam and UN Women,<sup>109</sup> constitutes a strong gender analysis. According to this study, the three keys to CVE are:

- Inclusive regional and local development,
- Raising awareness on human rights and equality, and
- Ensuring access to justice in Tunisia in a fair and non-discriminatory manner.

Furthermore, the Euro-Mediterranean Observatory for the Prevention of Violent Extremism (OPEV) remains an unprecedented experience in Tunisia, with six CSOs as part of its National Secretariat.<sup>110</sup> The 2021 report 'An agenda for action: Roadmap of recommendations from Tunisian civil society for the prevention of all forms of violent extremism' observes that "studies confirm that in the Tunisian context, gender inequalities, discrimination, feelings of injustice and family and social conservatism are among the factors that predispose young women to radicalization and bringing together groups of violent extremists".<sup>111</sup> This study is part of the implementation of the 2017 OPEV Barcelona conference,<sup>112</sup> which brought together 173 organisations from civil society, governments, universities, research centres, and the media, from the Euro-Mediterranean region and other parts of the world. This represents an opportunity to support OPEV's projects in Tunisia and strengthen them for future years.

Finally, CREDIF in Tunisia have engaged the media in developing videos and rap music to produce materials with CVE messaging.

## Recommendations on WPS and P/CVE

- ⇒ Encourage and support a review of the Council of Peers from its establishment, its role, successes and challenges, in order to evaluate if and how it should be supported.
- ⇒ Encourage and support a gender equality and social inclusion assessment of the implementation of Tunisia's WPS NAP, including its institutional mechanisms for implementation. This should include a focus on the Prevention pillar in the NAP and its link to P/CVE, including assessment of success and effectiveness or challenges of its implementation, and the link to economic status and poverty of women and men.
- ⇒ Hold discussions with the Tunisia government and UN entities and agencies including UN Women, UNDP, UNFPA, UNICEF, ILO, and OHCHR to discuss and assess current and future WPS NAPs funding status and needs for funding.

<sup>107</sup> WILPF, <http://1325naps.peacewomen.org/index.php/tunisia>.

<sup>108</sup> Forum Tunisien pour les Droits Économiques et Sociaux, <https://ftdes.net/en/publicationsftdes>.

<sup>109</sup> Oxfam and UN Women, "Penser le genre dans les réponse à l'extrémisme violent en Tunisie: Enjeux conceptuels, état des lieux, pistes d'action", November 2018.

<sup>110</sup> The six CSOs are: Association Tunisienne des Femmes Démocrates, Free Sight Association, Civil Volunteer Group, International Institute for Nonviolent Action, Ligue Tunisienne des Droits de l'Homme, Union Générale des Travailleurs Tunisie.

<sup>111</sup> OPEV, "An agenda for action: Roadmap of recommendations from Tunisian civil society for the prevention of all forms of Violent Extremism", 2021, Roadmap-CSO-Tunisia.pdf (opev.org).

<sup>112</sup> Novact, "Towards a new paradigm: Preventing violent extremism", 2017, <https://novact.org/2017/01/barcelona-conferencia-pve/?lang=en>.

- ⇒ Support a more inclusive approach to P/CVE programming that would include actors previously considered marginal to P/CVE policy and programming. For example, while P/CVE programmes have focused on education mainly at universities, it is important to conduct analysis on whether enhancing informal education and training, vocational training, civic education, including in prisons and in other community settings, is effective as part of a gendered approach to P/CVE.
- ⇒ Encourage an increased dialogue between the government, other state institutions, CSOs, and WROs, in the presence of relevant UN agencies on the best ways to approach P/CVE, while ensuring a gender equality and social inclusion approach. This should avoid the assumption that all actors involved have similar agendas. Open and frank exchanges must be guaranteed and respected, and must lead to framing results.
- ⇒ Support the development of comprehensive analysis of the structural dimensions of gender inequalities, gendered conflict analyses, and gendered political economy analysis for contextualising and understanding the issues relating to P/CVE, in order to avoid gendered assumptions which often shape P/CVE policy and programming. This analysis must be used as an important basis for a more holistic approach to P/CVE programming and instruments.
- ⇒ Support the development of a second NAP, with an emphasis on the meaningful participation of CSOs and WROs, a gender responsive or transformative approach informed by a gender-sensitive analysis, the prevention of gendered root causes of conflict and violence, and an overall aim at advancing gender equality rather than other potential national interests. Work with WROs who are pursuing a similar effort.

# General recommendations

There have been important achievements before the Revolution and in the first years after it, with progress in relation to gender equality in Tunisia. However, at the same time, the political, social, and economic regression have had a clear impact on the protection of the gender equality agenda.

It is therefore important that a strategy is adopted with three objectives: 1) protect achievements and strengthen them; 2) protect achievements from regression and collapse; and 3) support the human rights and gender equality movement working in and on the country.

## General Recommendations

- ⇒ *Enhance the UK's feminist foreign policy in its future collaboration with Tunisia to strengthen gender mainstreaming, as well as give an affirmation of UK diplomacy's commitment to gender equality and social inclusion.*  
Discussing UK's feminist foreign policy with Tunisia governmental and non-governmental partners will enhance better understanding of needs and expectations and will ensure targeted development assistance. Through the adoption of a feminist foreign policy, the UK can also influence the policies of the World Bank and the International Monetary Fund in Tunisia to move towards gendered policies of credits and subsidies, including more gender indicators and social inclusion. In this area, the Swedish foundation Kvinna till Kvinna is initiating an advocacy network for feminist economic policies that integrate gender throughout. WILPF has also developed research and advocacy in this front, and particularly in relation to the MENA region.
- ⇒ *Work with the Tunisia government to ensure a robust implementation of gender equality and inclusion clauses in their programmes and policies, including developing indicators to assess impacts.*  
Young people and women have been a focus of development programmes in Tunisia, but the results and the impact at the level of public policies, social change, and at the economic level is not always known, and criteria for assessment is not consistent. There is a need for setting indicators as well as gender responsive monitoring and evaluation mechanisms.
- ⇒ *Encourage Tunisia to become a party to international treaties that contribute to strengthening gender equality and social inclusion.*  
These include various conventions of the ILO to protect women in the workplace, such as ILO Convention No. 183 (2000) on maternity protection, ILO Convention No. 189 (2011) on the rights of domestic workers, and finally ILO Convention No. 190 (2019) on harassment and violence in the workplace. It is important for the UK government to recommend this in its engagement with Tunisia, and to sponsor national discussions on this.
- ⇒ *Support the LGBTQI+ movement to ensure the resilience of organisations and individuals working on these issues, through its funding and public involvement.*  
Gender equality and social inclusion for LGBTQI+ people remain a challenge. There is no progress to be really recorded in that sphere. The opposite may be said: attacks on activists of the LGBTQI+ movements are often reported.<sup>113</sup>
- ⇒ *Provide economic, political, public, and moral support to the gender equality movements in Tunisia, including women's rights organisations, individual feminist defenders, LGBTQI+ organisations, organisations working for the inclusion of minorities and/or gender equality.*  
Tunisia is known to have one of the strongest civil society movements in the region. Civil society's engagement and advocacy on women's rights and gender equality is possibly behind the main achievements in the country in relation to gender equality and social inclusion. Its impact is far beyond Tunisia, as the Tunisian CSOs have played an important

<sup>113</sup> See, for example, Front Line Defenders, [Tunisia - Prominent LGBTQI+ rights defender attacked by police and security personnel](#), 2 November 2021.

role in advancing the gender equality agenda beyond Tunisia. However, there is a clear backlash and threats in the last few years against CSOs and those who are perceived to be critics of the government, including individual defenders, opinion leaders, jurists, politicians, and academics. Also, many of the prominent organisations, including recipients of the Noble Prize, have been excluded from national consultations. It is therefore essential that the gender equality movement continues to receive financial and diplomatic support in order to be able to continue its leading role.

- ⇒ *Encourage the Tunisian government to adopt a governmental collaborative approach to its strategies and programming, including through building internal capacities and ensuring continuous inter-sectoral discussions and meaningful consultations with civil society and women's rights organisations.*

Tunisia has many plans, strategies, and policies. However, each addresses a separate issue or group of people in society in isolation from others. There is a need for a new approach that recognises the aggravating negative impact of intersecting and compounded gender-based discrimination. Adopting this approach will increase the capacity of Tunisian authorities and CSOs to place more attention on the impact of discrimination against women and girls from particularly marginalised groups, include women from the rural areas, domestic workers, single mothers, older women, women working in the informal sector, and women from the LBTQI+ community. This needs to be mainstreamed in all of Tunisian government action.

- ⇒ *Contribute to research gaps, particularly in relation to gender equality and social inclusion, providing resources for intersectionality, gender responsive and participatory locally produced research.*

Social inclusion and gender equality suffer from a large gap in terms of statistics, hence the relevance of encouraging and contributing to specifically quantitative and qualitative research work on the education sector, migration, social coverage, and climate change. The data of the 2015 Gender Profile of Tunisia conducted by the INS is no longer valid because the political, legal, and socio-economic landscape has changed in the recent years.

- ⇒ *Support governmental and CSOs' initiatives that aim at awareness raising and changing strong public and persistent gender-based norms and attitudes.*

Public opinion, stereotypes, and norms are believed to be behind many impediments to the advancement of women and ensuring gender equality in many socio-economic and political fields.

- ⇒ *Advocate for and support the implementation of the SSE law to fight against climate injustice and social and economic inequalities*

The SEE law and the entrepreneurship law need support for their implementation by the ministries of employment, agriculture, women and youth in collaboration with UTICA and development and environmental organisations in order to fight against climate injustice and social and economic inequalities. The implementation of these laws requires more action, research, and popularisation of the law. The National Agency for Employment and Independent Work is one of the best partners that can bring together CSOs and implement these two laws in a short time.