



The Role of Women in Tunisia

Mohamed Bouazizi's act of self-immolation catalysed the uprisings in Tunisia and the wider Arab Spring; three years on, Tunisia has ratified a progressive constitution. What role did, do and will Tunisian women play in this journey? An assessment will be made: from a historical perspective; in relation to their involvement during the revolution and political transition process; in conjunction with the new constitution; and from a projective perspective.

A Historical Perspective

There is a long history of Tunisian women playing an active role in society. Indeed the Tunisian scholar, Tahar Haddad, instigated considerable debate relating to the role of women in society in his 1930 controversial text which advocated for the expansion of women's rights. However, the work was ultimately banned and it was not until Tunisia gained independence from French control in 1956 that a return to this discourse on women's rights occurred.

Under the presidential leadership of Habib Bourguiba, the Code of Personal Status (CPS) was introduced in 1956. This progressive family legislation abolished polygamy, raised the minimum age of marriage and established equal divorce rights between men and women. Superficially this reads as a true breakthrough for Tunisian women. However, the underlying drive for introducing this legislation was one of state building (Charrad and Zarrugh 2013; Mulrine 2011). Advancement of women's rights was viewed as part of a pursuit of modernisation and seen to be necessary for the creation of a politically and economically strong state (Johansson-Nouges 2013; Mulrine 2011). Indeed this top down approach did little to challenge the embedded gender inequalities in society (Charrad and Zarrugh 2013; Mulrine 2011; Sahin 2013). Nevertheless advanced laws and policies continued to be introduced throughout Bourguiba's reign, building on the breakthrough of the CPS. In the late 1950s, women obtained the right to vote and child adoption was legalised, eight years before the USA; in the 1960s contraception was made available, abortion was legalised and wage equality was introduced. In 1979, the international Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was ratified, although with some reservations.

In 1987 President Ben Ali assumed the presidency continuing Bourguiba's state-building approach to women's rights. Preserving women's rights was deemed necessary to propagate an image of a secular privileged citizenship and in doing so to ensure the allegiance of foreign donors was maintained (Johansson-Nouges 2013). For example, to mark the 50th anniversary of the CPS, the minimum age of marriage was raised to 18; although the impact of this was minimal, considering the average age of female marriage had already surpassed 25. Throughout Ben Ali's regime, women's civil society organisations grew, most prominently two key organisations were formed in 1989: the Tunisian Women Association for Research and Development (AFTURD) and the Tunisian Association of Women Democrats (ATFD). Their impact was minimised by state censorship; indeed the two organisations have since admitted to failing to address the discrimination and violence experienced by female Islamist political prisoners under Ben Ali's dictatorship (Gray and Coonan 2013). The growth of women's civil society organisations coincided with significant investment in and reforms to education throughout the 1980s and 1990s; for example in 1991 education was made compulsory. Although outcomes have been disappointing in relation to education quality (Ezzine 2011) and concurrent impacts on the workforce demographic (Benstead et al. 2013; Roudi-Fahimi



and Moghadam 2003), Tunisian women do have a high literacy rate. 91 per cent of women between the ages of 15 and 24 are literate; and although there is significant variation regionally, to contextualise, only 30 per cent of Yemeni women between the ages of 15 and 24 are literate (Belhaj and Wiersinga 2013). Education has acted as an empowerment trigger, for example 28 per cent of parliamentary deputies are female; this is both a regional high (to contextualise, in Egypt this figure is 2 per cent while in Morocco it is 17 per cent) and outperforms many Western countries (Johansson-Nouges 2013).

In spite of questioning the motive for introducing the CPS, its progressive nature cannot be underestimated. It plays as the exception to the regional norm and has put Tunisia at the forefront of women's rights in the Arab region. In the wider region, Islamic conservatism has often presented an insurmountable challenge to the introduction of women's rights. Thus, prior to the Arab Spring, Tunisia's gender laws and attitudes perhaps positioned the country as best placed for developing a liberal democracy.

The Revolution and Political Transition

Tunisian women of all backgrounds took part in street protests; this was particularly noteworthy as women were targeted by violence in the form of sexual harassment and rape. Women were also key players in instigating cyber activism. Ultimately, Tunisian women mobilised at a grassroots level in partnership with Tunisian men; with the social dynamics of an uprising acting to suspend the binary male-female dichotomy (Khalil 2014). Collectively, Tunisians had the goals of equality and freedom for all citizens, stemming from a frustration with their socio-economic situation. Changing human rights was the priority; women's rights were of secondary importance. National pressures resulted in the ousting of Ben Ali on 14th January 2011. The challenge now was to translate an ideology into a democratic political system. Tunisian women may have had an expectation of building upon the agency they acquired during the revolution. This was not to be: the input of Tunisian women, both Islamist and secular, was virtually absent during the political transition process. Women's rights were marginalised by a political agenda, with a strong religious dimension. Indeed, the ideological differences of Tunisian women acted to fracture their voice, despite often sharing objectives. Women's civil society organisations responded to the rising concern of an absence of a women's rights discourse. There was an exponential growth in the number of organisations who acted to mobilise and organise at a grassroots level. Such activities forced the international media to re-evaluate the stereotypical perception of Tunisian women as passive and weak victims of an extremist climate to a much more nuanced reflection of three-dimensional actors in a region, like any other, characterised by complexities (Rice 2013).

The Association of Equality and Parity, a women's organisation that grew out of Facebook, was instrumental in pressing for the Gender Parity Law that was introduced in April 2011. In reality this law had a largely symbolic role as men were consistently placed at the top of party lists, meaning it remained difficult for women to be elected. Of the 107 parties vying for election, women led only three. On 23rd October 2011, the Islamist leaning party, Ennahda, claimed electoral victory. This was perhaps foreseeable as, due to Islamic persecution under Ben Ali's dictatorship, it had no ties to the former regime and campaigned extensively in rural communities, albeit with the backing of controversial funding (Sahin 2013). The subsequently formed National Assembly had a low representation of women, filling only 49 of the 217 seats. Further, it was only due to the landslide victory of the Ennahda party that this level of representation was reached; 42 of the 49 women



belonged to the Ennahda party. The Ennahda party projected vague and contradictory statements in relation to women's rights: activists were forced to preserve, as opposed to further, the rights of the CPS. Ultimately threats remained rhetoric, although there were two exceptions. Firstly, with the introduction of freedom in dress there were ongoing violent incidents against those not veiled, led by Salafist extremists. The Ennahda party was unclear where it positioned itself with the actions of the Salafists. Secondly, the draft constitution of August 2012 altered the role of women within the family: a change from a role of equality to a role of complementary status. This sparked action from women's civil society organisations, including ATFD, AFTURD, the Collectif 95 Magreb Egalite (a regional organisation established in 1995, also involving liberal leaning Algeria and Morocco) and upcoming organisations. Pressures and a petition of over 30,000 signatures ensured that the wording was reversed in subsequent drafts. The Ennahda party went on to re-stress its commitment to women's rights and demonstrated its intentions by withdrawing previous reservations relating to the CEDAW.

The political transition process was not smooth. Violence towards women was common: exemplified by the high profile rape case of September 2012, in which a woman raped by a group of policemen was trialed for indecency. Religious divides also played out: the assassination of two secular politicians in February 2013 and July 2013 contributed to a very unstable climate. This was far from the Western ideal of democracy, of a peaceful secular capitalism: but would such a determined route ever be applicable or moreover desirable? Tunisia, however, was faring better than its regional contemporaries: for example it had so far avoided the widespread violence played out in Libya, Egypt and Syria. The absence of a powerful military and the compromises of key political actors ensured the forming of a constitution remained a distant possibility.

A New Constitution

The forming of a new constitution was a protracted process. The initial assumption had been that it would be delivered within months, resulting in leaders initially attempting to draft details prior to agreeing upon fundamentals. Further, the dominance of the Ennahda party in the Committee prevented timely progress. The combination of gender violence and political assassinations led to a growing political crisis, with the popularity of the Ennahda party declining. This potential crisis was diffused by a Quartet of civil society organisations. Political groups were given equal weight and real consultation began with civil society organisations and the wider public. External players also provided valuable advisory services: the United Nations Development Programme organised roundtables and workshops specifically advocating for the integration of gender equality in national constitutions. On 26th January 2014 the final constitution was ratified with 200 voting in support and only 12 voting in opposition, surpassing the required two-thirds majority.

While the constitution is far from a perfect piece of legislation, it is most importantly a delivered agreement. There are some general concerns; the contradictory nature of Article 6 being particularly common (Ghribi 2014; Guellali 2014). This relates to the relationship between the state and religion: initially it stresses the need for freedoms before explicitly prohibiting apostate. Such ambiguous language provides potential avenues of exploitation and places an additional burden on the newly formed constitutional court. Further, the semi-presidential system of government that has been adopted lacks safety mechanisms, especially considering Tunisia's recent history (Al-Ali and Ben Romdhane 2014). Abuse in these areas will likely have a detrimental impact on Tunisian women.



The constitution has widely been hailed as a progressive piece of legislation in relation to women's rights (UN Women 2014). It safeguards the CPS and can only improve upon this minimum standard. Additional highlights include the right of women to stand for President (a first in the Arab region); the right of women to work, with explicit wording relating to conditions and wages (a first in the Arab region); and the right of women to have state protection against violence (similar to that set out by Egypt). There are some reservations. There is ambiguity relating to the role of women in elected assemblies; it is unclear whether this is an obligation or an aspiration and whether it is applicable to government. Further, the constitution falls short of full gender equality. Some women's rights, noticeably those relating to inheritance and child custody, remain elusive. Indeed their ties with Islamic tradition mean alterations here would be in conflict with the constitution's identification of Islam as the state religion.

Overall, the constitution is a positive example of successful constitution making and conflict resolution for both regional and international contemporaries. Tunisia has ratified a consensual and progressive constitution that surpasses national and regional legislation, especially with regards to women's rights, and is comparable at an international level.

A Projective Perspective

There is a consensus among Tunisians that, despite its imperfections, the constitution represents advancement (Al-Ali and Ben Romdhane 2014; Mahmoud and Williams 2014; UN Women 2014). The social uprising destabilised Tunisia and opened new political spaces that presented a high risk climate, especially for vulnerable social collectives, but ultimately led to the empowerment of all citizens. However, the future of Tunisia remains far from certain; for a long-term stable democracy to be achieved Tunisian women will play a vital role.

It is important to understand that Tunisian women are not a homogenous group: there are political, class and religious divides. It is often assumed that a democratic pathway will automatically lead to increased social equity (Johansson- Nougues 2013). However, this is highly undetermined; indeed the difference between urban rich and rural poor is greater now than prior to the Arab Spring (Moaddel 2013). Future policies must be structured to include provisions for the differing needs of such social collectives. Priorities for men and women have been identified as addressing the increasing: unemployment, cost of living, foreign debt and informal sector (Borovsky and Ben Yahia 2012). Tunisia's current economic situation has the potential to derail the ongoing political process. A particular concern is the gender inequality pervasive in the employment market. A comprehensive economic strategy will be essential to provide opportunities for the vulnerable rural women. One avenue is continued investment in quality female education: a curriculum based on critical thinking would act as an empowerment tool, cultivating civic responsibility. This would have the dual benefit of women's increasing resilience to the ongoing risk of extremism (CGCC 2013). Tunisian citizens, including women, have the potential to establish ties with the international market. Tunisia is currently perceived in a highly positive manner, while Tunisian citizens have favourable attitudes towards their international contemporaries (Borovsky and Ben Yahia 2012): this climate could be capitalised upon to support Tunisia's economic growth, which falls short even at a regional level (Ezzine 2011).

Gender equality remains elusive, with elements of a patriarchal society remaining. Will religious laws always prevent attainment of gender equality? Moreover, is it a desired goal? The constitution



sets out Islam as the religion of the state but this is, in part, contradicted by the constitution also claiming that the state is based on citizenship. There is certainly space for interpretation. Tunisian citizens have relatively liberal views and an increasing support for secular movements; however, many women also express desire and pride to fulfill traditional gender roles. It will perhaps be some time before a true discussion of the interplay of the state, religion and women will occur. A distinction between secularism and atheism will be needed alongside a wider mentality shift that will likely be on a generational time scale. Laws, for example relating to inheritance and child custody, may and perhaps should not be changed prior to this shift.

To facilitate long-term change, society requires positive role models and active civil society organisations. Women's civil society organisations are increasingly diverse and organised. However, there is some friction between those organisations prominent under Ben Ali's dictatorship and recently established organisations: cohesion is needed. Upcoming organisations should not be ignored: there is argument that these are in fact operating with greater efficiency and enthusiasm, effectively harnessing the powers of social media and specifically targeting vulnerable rural collectives (Mulrine 2011). The visibility of women's civil society organisations is low, despite being viewed as a positive avenue for activism by women of all backgrounds (Tonnessen 2013). One positive step is the Association Lam Echaml, which is an organisation providing a platform to unite all women's civil society organisations. Foreign investment is also acting to aid women's civil society organisations; for example the USA is providing funding to deliver an Equal Futures Partnership.

Trust in government remains low: 86 per cent of citizens believe corruption is common (Moaddel 2013). Women have particular reservations. There is a pervasive belief that male politicians lack the necessary awareness of women's rights, while women politicians are present simply to fulfill legal quotas (Benstead et al. 2013). The quantity of women in power is insignificant if the quality is regressive to women's rights. Adequate training needs to be provided, perhaps a role for women's civil society organisations. The broad future of Tunisia will be dependent upon politicians' relations with the new constitution: will it be respected or abused? How will much of the constructive ambiguity be interpreted? If social and economic issues remain unresolved, how will Tunisia's empowered women and wider citizens react? These questions cannot be answered but actions to facilitate a positive interplay between women, the wider society and the state have been considered.

In conclusion, Tunisia has capitalised upon its progressive stance towards women's rights to facilitate even greater empowerment. While full gender equality remains elusive, the current constitution acts as an exemplary piece of legislation at both a regional and international level. It remains to be seen whether this qualified success will be sustained, whether it will be built upon in the upcoming political elections and whether it can influence contemporaries to emulate similar successes. Nevertheless the outcome of a progressive constitution and the role of women throughout this journey should not be undervalued.

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