



TUNISIA

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POPULATION: 10,429,000

GNI PER CAPITA: US\$3,195

COUNTRY RATINGS	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	3.6	3.6
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	3.4	3.4
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	3.1	3.2
POLITICAL RIGHTS AND CIVIC VOICE:	2.8	3.1
SOCIAL AND CULTURAL RIGHTS:	3.3	3.3

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

INTRODUCTION

Some 98 percent of Tunisia's roughly 10.4 million inhabitants are Muslim.¹ Tunisian society, as with all societies in the Arab world, was long characterized by clear differences between the roles of men and women, a distinction that was sanctified by religious texts and beliefs. Education, for both women and men, has been the main driver of social change. In the early 20th century, some urban families began to educate their daughters, and this trend gained a forceful momentum after independence. Today, the younger generations of women are as educated as their male counterparts and equally capable of participating in the economic life of the country as well as in decision making in all domains. Despite considerable progress, however, a cultural tendency to consider boys superior to girls and men superior to women largely persists within the social landscape.

Tunisia obtained its independence from France in 1956 and has been a republic since 1957. During the colonial period, women were marginalized and secluded: there was little access to education, economic activity was largely confined to the household, wearing of the veil was widespread, and there was no female participation in public life. These conditions were interpreted as the expression of Islamic identity and Tunisian culture. In the 1920s and 1930s, as the struggle for independence intensified, voices

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were raised for greater equality between the sexes. A few women publicly denounced women's confinement, illiteracy, subservient position within the family, and imposed marriages, though their pleas for change went unanswered. The first women's association, the Tunisian Women's Islamic Union, was created in 1936.² Women went on to participate in the fight for independence, and slowly affirmed their place in society. By 1956, nationalist leader Habib Bourguiba's speeches were emphasizing that the development of the country depended upon the participation of everyone, women and men alike.

The code of personal status, promulgated in 1956 and amended several times since, most notably in 1993, created conditions that would permit women to fulfill their role in society in many aspects. The abolition of polygamy and repudiation, the legal right for women to ask for divorce, the establishment of a minimum age for marriage, and the required consent of both spouses to marriage have all further strengthened the freedom and social status of women. A 1958 reform introduced the idea of generalized and free education from ages 6 to 14 for all, creating conditions for the massive schooling of girls. In 1957, women became citizens with the right to vote, and by virtue of the 1959 constitution both men and women were enabled to seek elected office.³ The constitution also enshrines the principle of equality, which has been incorporated through time into other legal texts, including the electoral code, the labor code, and the code of nationality. As a result, women have obtained the right to work, to move freely, to open a bank account, and to establish a business, all without the permission of their father or husband.

In recent years, women in Tunisia have continued the positive trajectory in terms of education and economic empowerment. The comprehensive 1991 reform of the educational system made attendance for both girls and boys compulsory from ages 6 to 16, resulting in a dramatic increase in the enrollment rates to secondary schools. Today, more university students are female, and women constituted 27.9 percent of the labor force in 2007.⁴ They hold diverse positions in most sectors, including those traditionally closed to women, such as the judiciary, the army, engineering, and medicine. Yet inequity persists, particularly in rural settings, where women rarely own land and are overwhelmed by having to balance both farm and domestic work. Additionally, women are promoted to managerial positions less often and earn less than men on average, particularly in the private sector.

Together, the Ministry of Women, Family, Childhood, and the Elderly (MAFFEPA), the National Board for Family and Population Affairs, approximately 20 women's organizations, and women's committees within the political parties actively contribute to the consolidation of women's rights and the reduction of gender-based inequality in all areas. Furthermore, researchers in social sciences are frequently solicited to study women's issues. Their findings and work, as well as the innovative behavior of women themselves, often meet with resistance by supporters of a conservative form of Islam.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Since the year 2000, very few new laws that favor women have been adopted. The bulk of the juridical corpus seems to be in place, and the remaining legal issues, such as inequality with regard to inheritance, have not prompted fresh reforms. Conflicts within the judiciary continue between those who—referring to the first article of the constitution, which states that the religion of Tunisian society is Islam—tend to support Islamic law, and those who favor application of substantive law, personal status code, and international conventions ratified by Tunisia. An oscillation persists between traditional values and a spirit of innovation as the tendency toward the principles of equality, nondiscrimination, and liberty continues to be in competition with the dominant conservative values.⁵

Tunisia's primary legal texts were promulgated during the colonial period (1881–1955) and were largely inspired by French law, but personal status issues remained under the jurisdiction of religious law. After independence, the personal status code and a unified civil court system replaced the existing Shari'a and rabbinical tribunals. The Tunisian constitution, drafted by the National Constituent Assembly and promulgated on June 1, 1959, was conceived "to guarantee a stable political system." The Constitutional Council, created in December 1987, did not have the power to rule on the constitutionality of laws—its role was primarily advisory in nature.⁶ However, amendments introduced since 1990 require that all projects concerning organic law and those pertaining to individual rights and freedoms must be in accordance with the constitution.⁷

Article 6 of the constitution guarantees the equal rights of all citizens, men and women alike. The preamble affirms that the Tunisian people should "consolidate national unity and remain faithful to human values

which constitute the common heritage of peoples attached to human dignity, justice, and liberty.” Constitutional amendments made in 1997 consolidated the principle of equality among citizens, while a 2002 amendment stressed the guarantee of fundamental freedoms and human rights, pluralism, human dignity, and the free exercise of beliefs (Article 5). It also enshrined the inviolability of the home, the secrecy of correspondence, and the protection of personal data (Article 9).

Despite these guarantees, the nationality law contains discriminatory provisions regarding the right of female citizens to pass their nationality to their noncitizen spouses. The noncitizen wife of a Tunisian man automatically adopts Tunisian citizenship upon marriage, often forfeiting her original nationality in so doing. Even if she retains her previous citizenship, she can acquire Tunisian nationality by simply declaring domicile in Tunisia.⁸ However, the noncitizen husband of a Tunisian woman can acquire Tunisian nationality only by decree and only if he is a Muslim who resides in Tunisia and has sufficient knowledge of the Arabic language. Even those who fulfill the conditions of naturalization often have difficulties obtaining Tunisian citizenship. A 2002 amendment to the nationality law permits Tunisian women married to noncitizens to transmit their nationality to their child, even if the child is born abroad, provided that the father consents.⁹

Most women have equal access to justice, due in large part to Tunisia's long history of women in the judiciary and the state's executive-level commitment to women's rights. The first woman judge was appointed in 1968, and today an estimated 27 percent of judges and 31 percent of lawyers are women. Additionally, the principle of equality of men and women before the law is affirmed in many of Tunisia's legal codes. With regard to the right to work, the equality of men and women is established both within the civil service and Article 5 of the 1993 labor code, which emphasizes the legislators' intent to “repeal all forms of work-related discrimination between the sexes.” An adult woman's legal capacity is affirmed by the 1956 Law of Obligations and Contracts, and a woman's testimony carries the same weight as a man's before the court. Nonetheless, discrimination persists, most often in policies grounded in religious interpretations, such as those related to family life including a women's right to choose her husband and her right to inheritance. The existence of these religion-based disparities within Tunisian legislation and the popular support for such provisions

explains the reluctance of the state to embrace certain international standards, such as those found in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and established during the Beijing Fourth World Conference on Women.

Following the 1993 amendments to the personal status code, the penal code was amended to criminalize domestic violence and remove gender-discriminatory language that had allowed for a reduction in sentencing for a man who committed acts of violence against his spouse.¹⁰ The amended law now treats this crime as subject to the penalty applicable for manslaughter, namely life imprisonment.¹¹ Additional amendments to the penal code consider domestic violence as more serious than typical assault and battery; one amendment provides that the person who commits the assault is actually liable for a heavier punishment if the victim is his spouse.¹² The impact of this amendment, however, is often weakened by the provision which stipulates that “withdrawal of the complaint by a victim who is an ascendant or spouse shall terminate any proceedings, trial or enforcement of penalty.”¹³

Prostitution is illegal under a 1942 decree, and is punished as incitement to immoral behavior under Article 231 of the penal code.¹⁴ Additionally, Article 234 imposes heavier sentences in the case of “corruption of minors.” Soliciting a prostitute for sex is similarly punished under Articles 232 and 233 of the penal code.

Tunisia signed CEDAW in 1980 and ratified it in 1985, while issuing a general declaration statement positing that Tunisia “shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution” (referring to the identification of Islam as the state religion). Reservations were also made to Article 9(2), regarding the right of a woman to pass her nationality to her children; Article 15(4), regarding the right of the woman to choose her own domicile; several paragraphs of Article 16 related to marriage and divorce; and Article 29, regarding arbitration of disputes arising from the convention. In September 2008, Tunisia became only the second Arab country after Libya to ratify the Optional Protocol to CEDAW. By ratifying this document, Tunisia has recognized the competence of the CEDAW Committee to hear complaints from individuals and groups of individuals who believe their rights under the convention have been violated by the state. However,

because the committee is only able to issue nonbinding opinions, the impact of the protocol is as yet unclear.

The fundamental purpose of the women's affairs ministry, MAFFEPA, is to ensure the equality of the sexes. It coordinates the activities of various government institutions in an effort to promote the status of women and the family, and to encourage women to assume a major role in the development process. Women's rights are part of the concerns of organizations such as the National Union of Tunisian Women (UNFT), the Tunisian Association of Democratic Women (ATFD), and more than 20 other women's groups. The Women and Development Committee, founded in June 1991, examines different development plans through their various stages to ensure that gender equality is respected.

The National Council of Women and Family, established in 1992, was strengthened in 1997 with the creation of three commissions—the Commission on the Image of Women in the Media, the Commission on the Promotion of Equal Opportunities for All and for the Application of the Law, and the Commission of National and International Deadlines Pertaining to Women and the Family. The Center for Research, Documentation, and Information on Women (CREDIF), the Association of Tunisian Women for Research and Development (AFTURD), as well as the National Office of the Family and Population Affairs—which primarily acts to watch over the health and reproductive rights of women—have all undertaken a number of studies on conditions for women. The Center for Arab Women Training and Research (CAWTAR), based in Tunis, carries out comparative studies among Arab nations and promotes gender equality through advocacy and workshops.

Recommendations

- ❖ The government should ensure that the laws, in particular those concerned with the protection of the individual, are properly enforced in a nondiscriminatory manner.
- ❖ The government should amend the Code of Nationality to allow Tunisian women to transfer their nationality to their non-Tunisian husbands.
- ❖ The government should withdraw Tunisia's reservations to CEDAW and ensure its implementation by bringing national laws in conformity with the convention.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Tunisian citizens, whether male or female, generally enjoy freedom of movement, religious belief, and other individual freedoms under the law. However, societal attitudes continue to perpetuate inequity in practice. Pressure by Islamists cropped up in the late 1980s and again in 2004, with a campaign intending to “safeguard tradition” by promoting regressive measures regarding women’s rights. These efforts were rapidly quelled following public protests by women’s groups, but a state of tension persists between the notion of gender equality and a sense of religious identity that promotes the traditional division of gender roles. Over the last five years, several progressive measures were undertaken that have a potential to improve women’s lives in the time to come. In particular, the minimum age for marriage has been raised to 18 for both men and women and the government has begun tackling the issue of domestic violence more aggressively.

Although the Tunisian constitution guarantees freedom of belief, the state tends to restrict what it perceives to be manifestations of religious fundamentalism. In recent years, the government has increased pressure on residents to refrain from wearing traditional religious clothing, applicable to both men and women. In 1981, a law was passed banning the wearing of the *hijab* (traditional Islamic veil) by women in public offices, and decree 108 of 1985 bans hijabs in educational establishments. Enforcement of these rules revived in the beginning of the 1990s and intensified again in 2006. Despite these measures, the wearing of the hijab has become more widespread, especially among young working women and students, many of whom claim the right to wear a hijab as a form of freedom. In 2008, lawyer Saida Akremi won a lawsuit on behalf of a schoolteacher who contested her inability to wear the veil at work, but the effects of the case have been limited because of the resistance to implement the decision throughout the country due to its divisive nature.¹⁵

No laws limit freedom of movement for women. However, they continue to face restrictions on the societal level, and it is within the family that gender inequality is the most apparent. Although women do not require an authorization from their fathers or husbands to travel, family honor tends to dictate movement of women and girls in public, ostensibly for their own protection. The men of the family—father, brothers,

husbands—often intervene to restrict and control the physical space of their daughters, sisters, and wives.

A woman's ability to negotiate her marital rights is influenced by social pressure more than law. Young people are free to choose their marriage partners, and while they are respectful of their family's wishes, they can no longer be forced into marriage. A Muslim man may marry a woman outside his faith, but a Muslim woman is prohibited from marrying a non-Muslim. Should a Muslim Tunisian woman and a non-Muslim man attempt to circumvent this law by marrying outside the country, the marriage would not be recognized in Tunisia.

Both prospective spouses have the right to include stipulations within the marital contract, which may include provisions related to the division of property upon divorce or the right of either spouse to complete his or her education.¹⁶ Amendments made to the personal status code in 2008 establish 18 as the minimum age for marriage for both men and women. Previously, the minimum age was 17 for women and 20 for men. The age of legal majority, previously 20, was also set at 18 in 2008.

Amendments made in 1993 to Article 23 of the personal status code established the equality of spouses with regard to reciprocal family obligations, cooperation in household management, and assistance in childcare. Both husband and wife are expected to treat each other well and refrain from injuring one another; both are expected to fulfill their "conjugal duties"; and both are expected to cooperate in running the family affairs. The wife does not have the duty to obey, but the husband is still considered the "head of the family" with the responsibility to financially support his wife and children. However, the wife also has the duty to contribute to maintaining the family, if she has the means to do so, a rather unique provision as compared to the personal status laws of neighboring countries.

Recent studies have shown a persistent imbalance in how family members budget their time on a daily basis; such inequality is especially prevalent in rural areas, but is also apparent in urban environments.¹⁷ The data show that gender roles are deeply entrenched, and that while men divide their time between work and leisure, women spend most of their time doing household work.¹⁸ One study also indicated that women's total daily workload, including paid labor, family care-giving, and domestic work, is on average two hours longer than that of men, and that "whatever their professional situation, women always have a greater workload than men."¹⁹

The workload of rural women is particularly heavy. The same study found that while men spend on average 36 percent of their time outside the home in a public or professional environment, women spend only 14 percent of their time outside the home.

Another study was conducted in 2007 on the extent to which men and women adhere to “egalitarian values,” using a representative sample of 1,320 men and women living in an urban setting with their families.²⁰ It showed that even though a majority of men and even more women favor the principle of sharing duties equally, most uphold the traditional division of domestic chores. The organization of the family unit is increasingly open to negotiation, and women participate more in family decision making. However, the belief that a wife has a duty to obey her husband is held by 82 percent of men and 68 percent of women.²¹ Also, while 50.3 percent of women and 36.6 percent of men surveyed agreed that men and women should be equal and have the same authority within the family, 32 percent of men and 20 percent of women absolutely opposed this principle of equality.²²

Unless they choose otherwise, Article 24 of the personal status law mandates a separation of goods between spouses in conformity with the principle of equality, a provision that is confirmed by Islamic law.²³ In 1998, amendments were made to the personal status law that introduced a sense of community within the institution of marriage. As such, couples may opt for marriages with a communal estate comprised only of property acquired after marriage, except goods transferred specifically “to one of the two spouses by inheritance, gift or legacy.”²⁴

Divorce may be secured in three different manners. First, the two spouses may mutually consent to divorce. Second, one of the spouses may establish injury as the basis of divorce, giving rise to damages by the offending spouse. Article 53bis of the personal status code (as amended by law No. 74 of 1993) envisages penalties for husbands who default on their debts to their wives. Finally, divorce may be granted based on the request of either spouse. Law No. 65 of 1993 established a fund for alimony and divorce annuity that ensures the payment of pensions and annuities, as established by a court, when the husband refuses to pay them to divorced women and their children. In an effort to strengthen enforcement of laws related to divorce, the position of “family judge” was created in 1993.²⁵ This type of judge intervenes primarily in divorce cases, and the position

was strengthened with the 1995 Code for the Protection of Children to further protect children at risk.

Under Article 58 of the personal status code, judges have the discretion to grant custody to either parent based on the best interest and welfare of the child, so long as the parent is over 21 years old, is able to support the child, is free from contagious disease, and is of sound mind. The same article stipulates that if the father is awarded custody, he must demonstrate that there is a woman in his life to help him shoulder the responsibility. On the other hand, the female custodian must not be married except in certain circumstances.

Fathers are automatically granted guardianship—the right to make life decisions—over their children in the event of a divorce, even if the mother retains physical custody.²⁶ Amendments made in 1993 increased the guardianship rights of a custodial mother, giving them a say in decisions related to their children. Additionally a judge may grant guardianship to a mother if the father proves unable to fulfill his duties, if he abandons his child, or for any other reason deemed to be in the best interest of the child. In the case of the father's death, children are now placed with their mothers rather than the husband's closest relative.

Child support is routinely awarded to custodial mothers, who also receive the state family allowance.²⁷ On February 19, 2008, the Chamber of Deputies passed a bill that ensures the right to housing for mothers with children in their custody. As of 1993, both the maternal and paternal grandparents with custody over their grandchildren are entitled to a family allowance, an advantage formerly enjoyed only by the paternal grandparents. Under Law No. 200-51 of 2003, a mother can give her name to children born out of wedlock.

Acts of gender-based violence, including incidents that occur within the family, are criminal offenses. The bond of marriage is considered an aggravating circumstance when violence has been committed against a woman.²⁸ However, legislation only punishes physical violence, and while rape is harshly punished under Article 227 of the penal code, marital rape is not a crime. In practice, many cases of violence are not reported by victims or their families, in part because it is difficult to secure effective inquiries into such claims. Police officers often lack the training and resources necessary to conduct objective investigations or protect victims.

The issue of domestic violence is rarely acknowledged at a social level. Although 60.4 percent of men feel that a husband must not be violent

toward his wife, 38.5 percent feel that they may beat their wife in certain circumstances. Such circumstances include disobedience or when the wife does not fulfill what her husband considers to be “women’s obligations.” One study found that one-quarter of women and girls have experienced some form of gender-based violence within the family, and over a quarter of men admitted to having been violent toward their wives, sisters, or daughters.²⁹ In response to findings such as these, the government in cooperation with women’s groups launched a campaign against domestic violence in 2007, holding workshops and engaging religious scholars, policemen, judges, and social workers to raise awareness of the issue.

Women’s rights organizations have increasingly invested efforts to combat gender-based violence. The ATFD has been interested in this issue since it was founded in 1989, and it established a center in Tunis for counseling and legal assistance for female victims in 1993. Also in the early 1990s, the UNFT sponsored the first study evaluating the problem.³⁰ One of its recommendations was to create a Welcome Center, opened in 2003, to shelter women who are mentally or physically abused.

Today, violence toward women is a concern not only of women’s groups with international ties, but also of numerous local groups and governmental ministries, including the ministries responsible for public health, women and the family, social affairs, education and training, and higher education. A national strategy against violent behavior within the family and in society was initiated in January 2009.³¹ Since 2000, numerous doctoral and master’s theses in sociology and medicine have focused on gender-based violence.³² AFTURD undertook two studies in recent years in which the question of violence toward women was examined.³³ The National Office of the Family and Population Affairs and CAWTAR are working together on a joint research project on the same issue.

Recommendations

- ❖ The government should ensure that the culture of gender equality is promoted in schools and through the media by establishing educational programs and civic awareness campaigns.
- ❖ All forms of violence and harassment of women should be penalized, including verbal and psychological violence, as well as marital rape.
- ❖ The question of violence, in particular gender-based violence, should be the focus of a print and broadcast media campaign intended to make different social groups more sensitive to the issue.

- ❖ Women's shelters and centers should be established throughout the country to receive victims of violence. They should be able to accommodate women, young girls, and teenagers, as well as mothers with their children who have suffered abuse.
- ❖ Qualified personnel in various fields, including social workers, police, judges, psychologists, sociologists, and doctors, should receive in-depth training on how to deal with victims of gender-based violence.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Under current legislation, women benefit from the same rights as men concerning economic matters. They have the right to own property,³⁴ and once they reach adulthood at the age of 18, they can open a bank account, take out a loan, and enter freely into business and financial contracts and transactions. In practice, however, women remain underrepresented in the workforce and face gender-based salary inequity and obstacles in career advancement, notably in the private sector. Nonetheless, the economic role of women has improved in recent years. Women are increasingly rising to managerial positions or taking the initiative to establish their own businesses, despite considerable social resistance.³⁵ They have the same legal access as men to education and continue to outperform men academically while instilling hope that gender equality at the workplace is not a distant goal.

Although both Tunisian law and Islam recognize women's right to own property, including land, women rarely exercise this right in practice. The existing secular tradition transfers the ownership of land and real estate from father to son in a patrilineal manner. Until recently, women could not own land except when it was inherited, and even then, rural women traditionally renounced their inheritance in keeping with the idea that land was an expression of familial honor and could not in any circumstance be transferred to another family. Thus women inherited only when they married a paternal cousin, allowing property to be retained by the patrilineal group.³⁶

Today, land and real estate are rarely registered in the woman's name, and rental contracts for family residences are usually under a man's name as well. In the study on egalitarian values mentioned above, the majority of single people surveyed said their dwelling (whether rented or owned) was registered in their father's name, while a very small percentage listed their

mothers.³⁷ Married men usually declared the registration under their own name and only rarely under the wife's name or jointly as a couple.³⁸ Some young couples opt for a marriage in which all goods acquired after marriage are divided equally, in accordance with the law of November 9, 1998.

With regard to inheritance, the personal status code and Shari'a as traditionally practiced in Tunisia generally recognize the preeminence of patrilineal relatives and men over women.³⁹ Article 143bis of the code was amended in 1959 to permit girls to receive the full inheritance of their father or mother when there were no male heirs.⁴⁰ Nonetheless, in practice, if paternal relatives make a claim to inheritance, the wives, sisters, and daughters will often inherit half the share of male heirs with equal family ties. One of the most glaring examples of gender-based discrimination is the law that prohibits a non-Muslim wife from inheriting from her Muslim husband or their children, who are Muslim through agnatic filiation. In February 2009, however, the Supreme Court of Appeals issued a judgment that a non-Muslim woman had the right to inherit from her husband under the constitutional provision that guarantees freedom of worship.⁴¹ It is unclear what impact this ruling will have on the existing law.

Inequality in the inheritance rights of men and women has been frequently challenged by women's organizations. AFTURD sponsored a research paper on the question of inheritance,⁴² and two law professors advocating for equality in inheritance describe their work as "a plea for the establishment of egalitarian inheritance rights to put an end to the discrimination women still face."⁴³

Some studies indicate that the unequal inheritance laws can be circumvented, either by the equal sharing of estates or the distribution of gifts by still-living parents to their daughters or by husbands to their non-Muslim wives. Legislation has facilitated these strategies by granting tax exemptions, lowering the registration fee of gifts and succession to 5 percent between siblings and to 2.5 percent for exchanges made between spouses, ascendants, and descendants.⁴⁴

Primary education became widely available after independence, and in 1991, education became compulsory until the age of 16. These factors, in addition to the high value placed on education by society, have permitted both women and men to increase their educational attainment. Education reform instituted by Law No. 65 of 1991 stipulates that "the primary goal of the education system is to prepare students for a life that leaves no room for any discrimination or segregation based on sex, social class, race or

religion.” In the 1956 census, 84.7 percent of the Tunisian population over 10 years old was illiterate—74.5 percent of men and 96 percent of women. As of the 2004 census, the illiteracy rate for adults had dropped to 22.9 percent—14.8 percent of men and 31.1 percent of women.⁴⁵ By 2007, the literacy rate for youths ages 15 to 24 had improved to 94.3 percent for girls and 97 percent for boys.⁴⁶ The National Program of Adult Education makes basic courses available to uneducated adults, and attendance by women from both rural and urban areas is particularly high.

As of 2007, 96.7 percent of school-age girls and 95.5 percent of boys were enrolled in full-time primary education.⁴⁷ After primary schools, women tend to achieve higher levels of education than boys, outnumbering boys at universities by a large margin. During the 2007–2008 academic year, 59.5 percent of students registered in higher education institutions in Tunisia were female. Students display gender bias in their choice of discipline, however. Whereas women constitute the majority of students in the arts, social sciences, and medicine, men dominate engineering and technical vocations. According to Ministry of Higher Education enrollment figures for the 2002–2003 academic year, women made up 68.7 percent of students registered in the arts and social science departments, 63 percent in medicine and paramedical disciplines, and 57.5 percent in law, economics, and management. They accounted for just 29.7 percent of those registered in engineering schools or preparatory courses.⁴⁸

The right to work is legally recognized for women as well as men. The labor code calls for the repeal of “all forms of discrimination between the sexes with regard to work,”⁴⁹ and Article 234 of the labor code mandates a penalty for all violations of this basic right. In 1993, the requirement that a woman must secure her husband’s authorization to work was struck from the Law of Obligations and Contracts. A woman’s right to work is further developed in Article 64 of the labor code, regarding maternity leave and nursing mothers. Articles 66 and 68 prohibit women from working between 10 p.m. and 6 a.m. except in certain circumstances. Although women make up 59.5 percent of postsecondary graduates, however, female degree-holders have more trouble finding work than their male counterparts. Of those degree holders in search of work, 51.6 percent of men are successful, compared with 38.3 percent of women.⁵⁰

According to the World Bank estimates, women represented 26.7 percent of Tunisia’s working population in 2007, a slight increase from

the 2003 figures, when women's share stood at 25.9 percent.⁵¹ Women's access to higher levels of education has helped them enter the workforce in greater numbers and obtain promotions to managerial positions that were once the exclusive domain of men.⁵² That said, women are concentrated in certain sectors, particularly in agriculture, even if the statistics do not yet reflect this reality.⁵³ Numerous farms rely heavily on female workers,⁵⁴ even though official data show that only 16.7 percent of agricultural enterprises are headed by women. More often, they are household help or seasonal employees.⁵⁵

Some 23.9 percent of the active female workforce is employed in the agricultural and fishing sector, 37.7 percent in the service industry, and 38.3 percent in manufacturing, mostly in the textile industry. Women form 39 percent of the staff in the civil service, and 24.3 percent of women bureaucrats hold managerial positions. Many women work in the education sector, constituting 51 percent of primary school teachers, 48 percent of secondary school teachers, and 40 percent of higher education professors. Within the health field, women make up 42 percent of doctors, 72 percent of pharmacists, and 57 percent of dental surgeons. In recent years, women have been establishing their own businesses in larger numbers, and in the informal sector they show initiative in ensuring their self-employment. Training sessions given by the MAFFPEA encourage women to develop their competencies and to adopt an entrepreneurial spirit. At a January 2009 press conference, the ministry stated that by the end of 2009, at least 30 percent of managerial positions would be held by women.⁵⁶

Law No. 30 of 1968 instituted salary parity and equality between men and women in the civil service and broader public sector. However in the private sector there is a noticeable gender difference in earnings.⁵⁷ General revenue studies indicate that far more women than men earn a monthly salary of less than 200 dinars (US\$152). When earnings are between 200 and 400 dinars (US\$152 to US\$303), there is little difference between men and women, but as salaries increase, inequity becomes more apparent.⁵⁸

Professional women, particularly those with demanding careers, experience difficulties in balancing their professional and familial duties. Studies of female managers and engineers show they lack time and are subject to fatigue and stress. Men rarely participate in housework or share childcare

responsibilities, instead retaining their traditional gender roles. Adding to the pressure, women in modern Tunisian society have less opportunity to benefit from the traditional support of their mothers, mothers-in-law, or sisters, in part because they may have their own careers or live some distance away. Social services are grossly insufficient substitutes for these family members. As a result, women who are strongly attached to their traditional domestic role suffer career setbacks, and those who concentrate on their career either utilize family and social support or rely on paid domestic help.⁵⁹ Furthermore, women in managerial positions increasingly opt to remain single. Women who start their own businesses have difficulties securing loans and are frequently pressured to turn over the management and benefits to male family members.

The 2004 census shows unemployment figures at 13.9 percent (12.9 percent for men and 16.7 percent for women). During the last five years, 600 businesses in the textile industry have closed. Because 29 percent of working women are employed in that industry, the closures have led to layoffs for over 35,000 women. Most had not availed themselves of the services of the commission that oversees layoffs and are consequently not protected by the labor code.⁶⁰

Women in the workforce enjoy some gender-based benefits. Those in the civil service may take two months of maternity leave at full pay. In the private sector, maternity leave technically lasts only 30 days, but it can be extended for 15-day periods for medical reasons for up to 12 weeks. Mothers are also entitled to a half-hour break twice a day for one year to breastfeed infants. Since 2006, in the public sector, the law has permitted mothers with children under 16 or with a handicapped child to work part-time while receiving two-thirds of their salary for a period of three years, twice renewable.⁶¹ However, these measures have the unfortunate effect of consolidating the inequity between men and women in their representation in various social institutions, and of accentuating the differences between the public and private sectors.

The MAFFEPA recently mandated new requirements with regard to the provision of nurseries and daycare facilities, and between 2004 and 2008 the number of childcare centers increased from 11 to 186.⁶² As of July 2004, Article 226ter of the penal code now criminalizes sexual harassment, punishable by up to one year in prison and a fine of 3,000 dinars (US\$2,274).⁶³ If the victim is a minor, the punishment is doubled. Studies have shown that women frequently experience discrimination in

their interactions with men at work.⁶⁴ They do file sexual harassment complaints, even if, as with domestic violence, it is still difficult to secure effective inquiries.

Women have become more involved in professional organizations in the past two decades. Such organizations include the National Association of Women Business Leaders, founded in 1990 under the framework of UTICA (Tunisian Union of Industry, Commerce, and Handicrafts); the National Federation of Women in Agriculture, established in 1990; UTAP (Tunisian Union of Agriculture and Fishery); and the Committee of Women Workers, which has been a part of the UGTT (General Union of Tunisian Workers) since 1991. Although their numbers are increasing, however, very few women are presently board members of these organizations. While 25 percent of the membership of UGTT are women (an accurate reflection of the proportion of employed women within the general population), only 9.3 percent hold union posts. At the UGTT congress in 2002, only 27 of the 457 delegates were women, and none of the four female candidates for the union executive board were elected.⁶⁵

Recommendations

- ❖ The government should initiate workshops to educate women about their inheritance rights and enforce strict penalties against those individuals who force women to give up their share.
- ❖ The inheritance provision within the personal status code should be amended to treat all heirs equally, regardless of their gender.
- ❖ The government and NGOs should institute special programs to promote education and vocation training of women in rural areas, in efforts to increase these women's employment opportunities.
- ❖ The government, in cooperation with NGOs, should institute targeted efforts to inform women about their rights in the workplace and promote the mechanisms through which the existing laws can be effectively enforced.
- ❖ Professional organizations and unions should invest efforts to recruit women, both as members and as leaders.

POLITICAL RIGHTS AND CIVIC VOICE

Tunisian politics remain dominated by men, but women are venturing into the fray more often. In recent years, women have been appointed to

high-level positions within the executive branch in greater numbers and their representation within parliament has increased. However, while more women are working in government at the local and regional level than ever before, they are still underrepresented in political and community life.⁶⁶

Tunisia is a republic with a strong presidential system. Since independence, the country has had only two presidents. The first, Habib Bourguiba, was the principal architect of Tunisia's independence and ruled from 1956 to 1987. Current president Zine el-Abidine Ben Ali, who overthrew Bourguiba in November 1987, won his fifth five-year term as president on October 25, 2009. He plays a central role in the political life of Tunisia,⁶⁷ and is responsible for appointing the prime minister and other members of the cabinet. He is also president of the ruling political party, the Democratic Constitutional Rally (RCD), whose members hold 161 of the 214 seats in the elected Chamber of Deputies (the lower house of parliament). The 126-seat Chamber of Advisors (upper house), which is also dominated by the RCD, was created by a 2002 constitutional amendment and first convened in 2005. The dominance of the RCD grants it important prerogatives, allowing little room for dissent, but other political parties are represented in both houses of parliament; six opposition parties hold 53 seats in the Chamber of Deputies.

Women have made small gains in parliamentary elections in recent years and hold more parliamentary seats than their counterparts in neighboring countries. Eighty-five seats for the Chamber of Advisors are filled indirectly by an electoral college that consists of municipal councilors and regional council members. The remaining 41 seats are appointed by the president. To date, only 112 of the available seats are filled because UGTT has boycotted the elections, refusing to fill the 14 seats allotted to it. In 2005, eight women were voted into office and seven more were appointed by the president, giving women 13.4 percent of the chamber's occupied seats. In August 2008, renewal elections were held for half of the chamber, with four women winning seats. At the same time, the president appointed 20 new councilors, including five women. These nine women joined the eight existing female councilors, bringing women's representation up to 15.2 percent.⁶⁸

Renewal elections for the Chamber of Deputies were held in October 2009 and were characterized by increased women's presence. Women now hold 27.6 percent of the seats, an increase from 22.8 percent after the last elections in 2004.⁶⁹ Notably, both houses of parliament have a female

vice-president. Before the elections, the RCD and the opposition parties agreed to introduce measures to increase women's participation. The RCD specifically instituted a 30 percent minimum quota for women among its nominated candidates.

Women have held positions within the executive for decades, with the first female minister appointed in 1983. Although their appointments have tended to relate to women's affairs or social affairs, their roles have diversified in recent years. Currently, there is only one female minister, and she has headed MAFFEPA since 2007, and the Ministry of Equipment, Housing, and Territorial Planning was headed by a woman from 2004 until 2008. In addition, five female secretaries of state are responsible for: American and Asian affairs with the Foreign Ministry; hospitals within the Health Ministry; children and the elderly within the MAFFEPA; computer technology, the Internet, and software development within the Technology and Communications Ministry; and social development within the Social Affairs Ministry. The current president of the Court of Accounts is a woman, and several have been named to ministerial posts within the Ministries of Health, of Employment and Training, of the Environment, of Public Works, and of Housing.

Among other state bodies that are directly or indirectly controlled by the executive, women account for 25 percent of the Constitutional Council, 13.3 percent of the Higher Council of the Judiciary, and 20 percent of the Economic and Social Council. Although the first woman judge was only appointed in 1968, as of 2008, 27 percent of judges and 31 percent of lawyers were women, and all judges receive specific training in the field of women's rights.⁷⁰ Women also make up 24 percent of the diplomatic corps.⁷¹

Women are active at the regional and local levels, but rarely in positions of power. In 2004, Ben Ali appointed Tunisia's first female governor to the governorate of Zaghuan. Women represent 32 percent of the members of regional councils, and although only a few have been elected as mayors in their communities, they are a growing presence in municipal councils. According to news reports, women won 26.7 percent of available seats in the May 2005 municipal elections. This indicates a marked increase from 2000 and 1995 when women won 20.9 percent and 17.3 percent of municipal seats, respectively.⁷²

Freedoms of speech and of the press are limited for both men and women, and emphasis is placed on consensus, national unity, and order,

characteristics that are part of the national motto. That said, a degree of freedom of expression exists within the structure of the different political parties, national associations, and numerous nongovernmental organizations. The National Syndicate of Tunisian Journalists was created in January 2008 with a mandate to improve the work conditions of journalists and to further promote freedom of the press. Gender equality is frequently discussed in newspapers, on the radio, and on television. The media does not shy away from portraying the difficulties that women experience in their domestic life, in their workplace, and in the public sphere.

Women's governmental and nongovernmental organizations (NGOs) appear to be working effectively to promote the status of women throughout the country, but as most Tunisian civil society actors, they face certain constraints on their associational rights. Under the country's laws of association, persons wishing to form an association must submit an application to the Ministry of Interior that includes: a declaration mentioning the name, objectives, and the physical location of the association; a list of founding members and any directors or administrative staff, along with an address, date of birth, and profession for each; and the statutes of the association. Some types of organizations repeatedly face obstructions in trying to become legally established; the government refuses to legalize most independent human rights organizations. Despite these constraints, however, women's groups and Tunisian feminists continue to push for greater rights, and their numbers have been on the rise.

Recommendations

- ❖ Participation by women in politics should be encouraged at all levels of government and decision making, especially at a local level.
- ❖ Political parties should institute more proactive efforts to recruit women. Female party members should form special subcommittees and internal networks so they would be able to influence the parties' agenda more successfully.
- ❖ The government should institute better protections for freedom of association and freedom of the press so that all issues pertinent to women's political rights and civil liberties are openly discussed.
- ❖ The government and the NGO sector should organize special leadership camps for girls and train them in public speaking, networking, and other skills necessary for success in politics.

SOCIAL AND CULTURAL RIGHTS

Since independence, Tunisian society has undergone numerous important changes, and the pace of change has increased of late. In particular, there has been a continuous rise in the standard of living, and 80 percent of households are now considered middle class.⁷³ Some 68.7 percent of the population lives in an urban environment, and poverty has decreased, with only 3.8 percent of the population now living below the poverty line.⁷⁴ Women's prominence in society has continued to rise as they achieve scholarly success, increased presence in the workplace, access to managerial positions, business initiatives, and presence in intellectual and artistic venues. However, inequality between men and women persists in cultural practices. This is a legacy of the "traditional" society, wherein the public and private spheres are distinct entities, with men essentially dominating the public sphere and the private sphere being "reserved for women."

Advances in public health policies and family planning have enabled women to strengthen their liberty. With a reasonably easy access to contraception, more women are able to limit family size and increase the intervals between births, allowing them to attain "autonomy of personal status."⁷⁵ Additionally, under Article 214 of the penal code, abortions performed in the first trimester are legal.⁷⁶ As pointed out by Jacques Vallin and Thérèse Locoh in their 2001 analysis of the evolution of the country's fertility index, "moving in the space of 30 years from 7.5 children per woman to 2.2, Tunisia has changed planets. And this change is irreversible."⁷⁷ Due to the government's rather successful family planning program, the fertility rate was 2.0 children per mother in 2007, among the lowest in the developing world, a decrease from 2.1 in 2000 and 3.5 in 1990.⁷⁸

The government has spearheaded multiple health-related social policies, including the legalization of the import and sale of contraception; the limitation of family allowances to the first three children to encourage smaller families; the legalization of regulated abortion in 1973; the creation of an agency for the protection of mother and child by the Ministry of Public Health; and the creation of the National Office for the Family and Population. Women are able to access medical care in much the same way as men, in part because a widow and her young children now enjoy medical benefits that were previously provided to her husband and is entitled to 70 percent of his pension. Additionally, an increasingly large

portion of the population receives social security benefits, up from 54.6 percent in 1987 to 93.3 percent in 2008.⁷⁹ Thanks to such policies, which allow women to care for their own health and the health of their children, the overall well-being of the nation is improving. According to the 2004 census, the average life expectancy is 73.9 years: 71.8 for men and 76 for women.⁸⁰ There are no documented cases of female genital mutilation or similar forms of gender-based harmful traditional practices.

The state financial aid for buying or constructing new homes has also positively impacted the lives of everyday women. Homeownership has a significant social value for Tunisians, and in recent decades an increase in new housing construction has surpassed the demographic rise. The housing expansion has coincided with a societal shift from large extended families toward the nuclear family and the emergence of the married couple as a family unit. This in turn reflects the growing autonomy of young, married couples, and the increasing liberation of women from dependence on their in-laws and the authority of their mothers-in-law.⁸¹ Nonetheless, social norms restrict women's ability to own and use housing. Most single individuals live in homes registered in their father's name, while married couples tend to register their dwellings in the husband's name.

Social development indicators have improved dramatically over the years, particularly those that affect what are generally perceived as "women's chores." In 2007, 84.8 percent of dwellings had drinking water, eliminating the need to fetch water that had long been one of the duties of women and young girls. In addition, 99.5 percent of households now have electricity, which allows 81.7 percent of households to have refrigerators and 34.8 percent to have washing machines. Widespread use of modern technology permits women to enjoy more free time, which in turn allows them to devote more time to participation in public life. Additionally, television is found in 90.2 percent of homes and is considered an essential form of entertainment for families that is especially enjoyed by women.⁸²

The gap between the poorest 20 percent and the richest 10 percent of the population is relatively small in Tunisia.⁸³ However, important imbalances still exist between rural and urban areas, between coastal and interior regions, between social classes, and between men and women.⁸⁴ In needy areas, women have shown potential and a marked sense of initiative when they are able to access financial support, which permits them to fight poverty. As for social programs, intervention by the Ministry of Social

Affairs, Solidarity, and Tunisians Abroad has increased benefits to rural women by 55 percent.⁸⁵ Social policies and a national solidarity policy have played an active role in eradicating poverty and diminishing the disparities, and 20 percent of the GDP is earmarked for this purpose. The effort focuses on developing infrastructure, providing housing aid, improving public health and social aid, and promoting the widespread general education of boys and girls.

Different legal mechanisms and institutions have been set up to help the populations most vulnerable to poverty.⁸⁶ These entities promote socio-economic progress and permit women and men to participate in the economy, even in rural areas. In 2001, a government action plan was established to evaluate the productive aptitudes of women in rural areas and protect them against all forms of discrimination. However, few figures are available as to the distribution of funds by gender. A quarter of beneficiaries of microcredit loans in urban areas allocated by the Tunisian Solidarity Bank were women.⁸⁷ The president of the UNFT called for microcredit institutions to further support women's initiatives during a meeting of the sixth session of the Higher Council of Population in March 2009.⁸⁸

The MAFFEPA, the National Office of the Family and Population Affairs, and feminist groups, including those integrated with political parties and professional associations, encourage the government to create conditions that improve women's status and eliminate all forms of gender-based discrimination. The Higher Committee for Human Rights and Fundamental Freedoms, established in 1991, and the Higher Communication Council demonstrate in their various reports that they are attentive to women's rights and aware of the gender inequalities that persist.⁸⁹

Recommendations

- ❖ The government should initiate development programs at the local level and encourage women to participate, so as to reduce the inequalities between rural and urban areas and between men and women.
- ❖ The government and nongovernmental agencies should provide adequate training to needy women and young girls, taking into consideration their particular circumstances and the local needs.
- ❖ The government should encourage the founding of social clubs that support women and give them a place to discuss their problems with regard to the family and society, so that they become empowered to find solutions to the problems that directly affect them.

- ❖ Universities and research centers should initiate more projects investigating population issues, as well as the condition of women, their role in economic and social development, and their participation in decision making in all aspects of life.

AUTHOR

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NOTES

- ¹ National Statistics Institute, July 1, 2008, evaluation.
- ² For more details, see Ilhem Marzouki, *Le mouvement des femmes en Tunisie au XXème siècle* [The Women's Movement in Tunisia in the 20th Century] (Tunis: Cérès production, 1993).
- ³ Article 20 of the constitution guarantees the right to vote for all citizens holding Tunisian nationality for at least five years.
- ⁴ World Bank, "GenderStats—Labor Force," 2007, <http://go.worldbank.org/4PIIORQMS0>. According to the 2004 census in Tunisia, women represent 26.6 percent of the active working population.
- ⁵ Sana Ben Achour, "Femme et droit en Islam" [Women and Law Under Islam], *Université de tous les savoirs*, October 2007.
- ⁶ Mohamed Charfi, *Introduction à l'Étude du Droit* [Introduction to Law Studies] (Tunis: Centre d'Études et de Recherches et de Publications de l'Université de Droit, d'Économie et de Gestion [Center of Study, Research, and Publication at the University of Law, Economy, and Management], 1990).
- ⁷ *Constitution de la République Tunisienne* [Constitution of the Tunisian Republic], Article 72(1) (Tunis: Publications de l'Imprimerie Officielle de la République Tunisienne [Tunisian Official Press Publications], 2004).
- ⁸ Articles 13 and 14 of the nationality code.
- ⁹ A decree from June 19, 1914, regulating the attribution of Tunisian nationality had made it nearly an exclusive right of the father (only children of a Tunisian mother with an unknown father could take the mother's nationality). The code of nationality, promulgated in 1957, had extended this prerogative to a child born in Tunisia to a Tunisian mother and a foreign father, but not to children born abroad to a non-Tunisian father. Alya Cherif Chamari, *La Femme et la Loi en Tunisie* [Women and the Law in Tunisia] (Rabat: Editions le Fennec, 1991).

- ¹⁰ Article 207 of the penal code had permitted the reduction of a sentence to a simple misdemeanor for a man convicted of an “honor crime”—a crime in which a man murders or injures his wife and/or her partner who are caught *in flagrante delicto* in the act of adultery.
- ¹¹ “Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined Third and Fourth Periodic Reports of States Parties. Tunisia” (New York: UN Committee on the Elimination of Discrimination against Women [CEDAW], CEDAW/C/TUN/1-2, 2 August 2000), 14.
- ¹² Article 207 of the penal code, which established a five-year maximum prison sentence for men who murdered their adulterous wives, was struck from the penal code, and Law No. 93-92 considers marriage to be an aggravating circumstance in instances of violence.
- ¹³ Tunisia, CEDAW Committee, 14.
- ¹⁴ Article 231 of the penal code states that “women who, by gestures or words, offer themselves to passers-by or engage in prostitution, even on an occasional basis, are punishable by six months to two years imprisonment and a fine of 20 to 200 dinars. Any person who has had sexual relations with one of these women is considered an accomplice and subject to the same punishment.”
- ¹⁵ Daniel Williams, “Tunisia Veil Case Threatens ‘Odious Rag’ Struggle,” January 3, 2008, <http://www.bloomberg.com/apps/news?pid=20601085&sid=aVnYog.7H.yI&refer=europa>.
- ¹⁶ Article 11 of the personal status code.
- ¹⁷ Souad Triki, *Le budget-temps des ménages ruraux et travail des femmes rurales en Tunisie* [Time-Budgets of Rural Households and the Work of Rural Women in Tunisia] (Tunis: CREDIF, 2000); Dorra Mahfoudh-Draoui, Hafedh Zaafrane, Ahmed Khouadja, and Habib Fourati, *Enquête budget-temps des femmes et des hommes en Tunisie 2005* [The 2005 Time-Budget Study of Women and Men in Tunisia] (Tunis: Ministry of Women and Family Affairs, 2007).
- ¹⁸ Mahfoudh-Draoui et al., *Enquête budget-temps*, 44.
- ¹⁹ Mahfoudh-Draoui et al., *Enquête budget-temps*, 73.
- ²⁰ Collective 95 Maghreb Equality and the Association of Tunisian Women for Research and Development (AFTURD), with support from the United Nations Development Fund for Women (UNIFEM) and the Tunisian General Labor Union (UGTT), *Degré d’adhésion aux valeurs égalitaires dans la population tunisienne* [Degree of Adhesion to Egalitarian Values in the Tunisian Population], unpublished text, Tunis, 2007. A brochure presenting the major findings of this study was published in Tunis in March 2008.
- ²¹ Collective 95, *Degré d’adhésion*, 38 et seq.
- ²² Collective 95, *Degré d’adhésion*, 44.
- ²³ Article 24: “The husband has no administrative power over his wife’s goods.”
- ²⁴ Law No. 94 of 1998, relating to the regime of community of goods between spouses.
- ²⁵ Article 32 of the CPS, modified by Law No. 74 of 1993. The family law judge is named by the president of the Court of First Instance.

- ²⁶ Article 67 of the personal status code. Mothers do, however, gain guardianship over their children in the event of the father's death.
- ²⁷ Amendment to the CPS, April 5, 1996.
- ²⁸ Article 207 of the penal code, which had prescribed a five-year prison sentence for husbands who murder their adulterous wives but did not similarly reduce the sentence for wives killing their husbands in such circumstances, has been eliminated. Law No. 92 of 1993 considers marriage to be an aggravating circumstance in instances of violence.
- ²⁹ Collective 95, *Degré d'adhésion*.
- ³⁰ Cabinet de Prospective Sociale (Social Prospective Cabinet) and National Union of Tunisian Women, *La violence conjugale en Tunisie: Composantes sociologiques, culturelles, juridiques et institutionnelles* [Conjugal Violence in Tunisia: Sociological, Cultural, Legal and Institutional Components], 1992.
- ³¹ "Press Conference: Ministry of Women, Family, Children and the Elderly," *La Presse*, January 29, 2009.
- ³² For more information, see Public Health Ministry, National Office of the Family and Population, *La violence fondée sur le genre en Tunisie: Etat des lieux* [Gender-Based Violence: State of Affairs] (Tunis: ONFP, 2007).
- ³³ AFTURD, *Divorce, violence et droits des femmes* [Divorce, Violence and Women's Rights], 2001; and Collective 95, *Degré d'adhésion*.
- ³⁴ Article 14 of the constitution states: "The right to property is guaranteed. It is exercised within the limits established by the law."
- ³⁵ Collective 95, *Degré d'adhésion*.
- ³⁶ The *habous* system, which was repealed by law upon independence in 1957, long permitted girls to be disinherited to the advantage of male descendants. *Habous* is a sort of trust that permits its founder to render his property inalienable and devote it to religious work or some other usage. The enjoyment of the property can be effective immediately or upon the extinction of the descendants of the founder. The managers of the *habous* are named in the founding document, and are generally, but not always, the descendants of male lineage. They benefit from the revenues of the trust in a very strict and precise manner. See Sophie Ferchiou et al., *hasab wa nasab, Parenté, Alliance et Patrimoine en Tunisie* [hasab wa nasab, Kinship, Alliance and Patrimony] (Paris: National Center of Scientific Research, 1992).
- ³⁷ In the sample, 43 percent were unmarried people; 37 percent of those declared that the property or rental contract of their residence was in their father's name, and 3 percent said it was in their mother's name. Among married respondents, 38 percent of men declared the contract in their name, while only 8 percent of women did the same. And 41 percent of women stated that it was in their husband's name, whereas only 4 percent of men said it was in their wife's name. Only 4 percent of couples declared co-ownership. Collective 95, *Degré d'adhésion*, 106.
- ³⁸ A law enacted on April 5, 1996, gave couples the right to take out a joint loan for housing.
- ³⁹ See Book Nine of the CPS, Articles 85 to 170.
- ⁴⁰ According to Shari'a, in the absence of a direct male heir, a part of the inheritance is distributed to the male collaterals.

- ⁴¹ Case No. 31115, February 3, 2009.
- ⁴² AFTURD, *Egalité dans l'héritage, Pour une citoyenneté pleine et entière* [Equality in Inheritance, for an Equal and Full Citizenship] (Tunis: AFTURD, 2006).
- ⁴³ Ali Mezghani and Kalthoum Meziou-Dourai, *L'égalité entre hommes et femmes en droit successoral* [Equality Between Men and Women in Succession Rights] (Tunis: Sud Editions, 2006), 6.
- ⁴⁴ Article 20 of the Law of Obligations and Contracts.
- ⁴⁵ National Statistics Institute, 2004.
- ⁴⁶ World Bank, "GenderStats—Education," <http://go.worldbank.org/RHEGN4QHU0>.
- ⁴⁷ World Bank, "GenderStats—Education."
- ⁴⁸ When considering higher education, studies show that young women take into account their role within the family, and particularly the education of their own children. This said, more young women are choosing technical and science disciplines.
- ⁴⁹ Article 5bis, 1993, of the labor code: "There can be no discrimination between men and women in the application of the present code and related texts."
- ⁵⁰ Ministry of Employment and Professional Integration of Youth, in collaboration with the World Bank, *Dynamique de l'emploi et adéquation de la formation parmi les diplômés universitaires* [Work Dynamics and Adequate Training Among University Graduates], 2005.
- ⁵¹ World Bank Development Indicators 2009 (World Bank, Washington DC). Online Database (subscription required) http://publications.worldbank.org/ecommerce/catalog/product-detail?product_id=631625&. Last accessed on December 22, 2009.
- ⁵² It permits them to "potentially obtain work, develop a career and be promoted to managerial positions in an equal and equitable manner." Karima Bouzguenda, *Gestion des carrières et phénomène du glass ceiling en Tunisie: Le cas des femmes cadres en Tunisie* [Career Management and the Glass Ceiling Phenomenon in Tunisia: The Case of Women Executives in Tunisia], doctoral thesis in management, University of Sfax, Faculty of Economics, Business, and Management, 2004–05.
- ⁵³ Women are not recorded as economically active if their labor falls under domestic work.
- ⁵⁴ A. Gana and M. Picouët, "Population et environnement" [Population and Environment], in *Population et Développement en Tunisie: La métamorphose* [Population and Development in Tunisia: The Metamorphosis], ed. J. Vallin and T. Locoh (Tunis: Cérés Editions, 2001), 513–529.
- ⁵⁵ Gana and Picouët, "Population et environnement," 525.
- ⁵⁶ *La Presse*, January 29, 2009.
- ⁵⁷ Chamari, *La Femme et la Loi*.
- ⁵⁸ National Statistics Institute, 2005; Collective 95, *Degré d'adhésion*.
- ⁵⁹ Bouzguenda, *Gestion des carrières*.
- ⁶⁰ Dorra Mahfoudh Draoui, "Crise du chômage, crise d'identité: Le cas des ouvrières du textile en Tunisie" [Crisis of Unemployment, Identity Crisis: The Case of Women Textile Workers in Tunisia], in *Genre et politiques néo-libérales* [Gender and Neoliberal Policies] (AFARD/Dawn/Fennec, 2006), 177–183.
- ⁶¹ A 1985 law had authorized women civil servants to opt for part-time work at only half their salary.

⁶² *La Presse*, January 29, 2009.

⁶³ Article 226 of the penal code now states: "Whosoever commits sexual harassment is punishable by 1 year of imprisonment and a fine of 3,000 dinars. Sexual harassment is defined as all unwanted persistent behavior that is disturbing to another by repeated acts, verbal or physical conduct of a sexual nature that is unwanted and undermines a person's dignity and sense of modesty. And this, for the purpose of sexual advances, for themselves or for another, or for pressure to weaken resistance to such advances."

⁶⁴ Collective 95, *Degré d'adhésion*, 70 et seq.

⁶⁵ UGTT, *Diagnostic de l'UGTT par ses cadres* [Diagnosis of UGTT by Its Managers], 2007.

⁶⁶ Collective 95, *Degré d'adhésion*.

⁶⁷ "La galaxie Ben Ali" [The Ben Ali Galaxy], *Jeune Afrique* [Young Africa] no. 2488 (September 14–20, 2008).

⁶⁸ InterParliamentary Union, PARLINE Database, Tunisia, Chamber of Councilors, http://www.ipu.org/parline-e/reports/2322_A.htm.

⁶⁹ InterParliamentary Union, PARLINE Database, Tunisia, Chamber of Deputies, http://www.ipu.org/parline-e/reports/2321_A.htm.

⁷⁰ Sfeir, *Tunisie, terre des paradoxes*, 134.

⁷¹ Bouzguenda, *Gestion des carrières*.

⁷² "Women, Opposition, Gain Ground as Result of Municipal Elections in Tunisia," TunisiaOnline.com, May 10, 2005, http://www.tunisiaonline.com/municipales2005/n_1_10.html.

⁷³ Sfeir, *Tunisie, terre des paradoxes*, 134.

⁷⁴ National Statistics Institute, *Enquête Nationale sur les revenus, la consommation et les niveaux de vie* [National Survey of Revenues, Consumption and Lifestyle] (Tunis: National Statistics Institute, 2005), 23. The rate of poverty was 22 percent in 1975, 12.9 percent in 1980, 6.2 percent in 1995, and 4.2 percent in 2004.

⁷⁵ This is a reference to the anthropologist Françoise Héritier's remark that "contraception is the pet peeve of states that do not want women to attain autonomy of personal status," interview with Cl. Laroche, "Regard et anthropologie" [Outlooks and Anthropology], Communications no. 75 (2004).

⁷⁶ Past the first trimester, abortions are permissible only for the mental well-being of a woman or if the fetus would be born with a serious disease or infirmity.

⁷⁷ J. Vallin and T. Locoh, "Les leçons de l'expérience tunisienne" [Lessons of the Tunisian Experience], in *Population et Développement en Tunisie: La métamorphose* [Population and Development in Tunisia: The Metamorphosis], ed. J. Vallin and T. Locoh (Tunis: Cérés Editions, 2001), 577.

⁷⁸ World Bank, "GenderStats—Create Your Own Table," <http://go.worldbank.org/MRER20PME0>.

⁷⁹ Ministry of Social Affairs, Solidarity and Tunisians in Foreign Countries.

⁸⁰ National Statistics Institute, July 1, 2008, evaluation. Life expectancy was 51.1 years in 1966, 67.5 years in 1987, and 70.6 years in 1991 (68.8 for men, 72.3 for women).

⁸¹ Lilia Ben Salem, *Familles et changements sociaux en Tunisie* [Families and Social Changes in Tunisia] (Tunis: University Publication Center, 2009).

- ⁸² National Statistics Institute, 2004 census.
- ⁸³ André Wilmots, *De Bourguiba à Ben Ali: L'étonnant parcours économique de la Tunisie (1960–2000)* [From Bourguiba to Ben Ali: Tunisia's Surprising Economic Voyage] (Paris: L'Harmattan, 2003), 73.
- ⁸⁴ National Statistics Institute, *Enquête Nationale*.
- ⁸⁵ Report of the sixth session of the Conseil Supérieur de la Population [Higher Council of Population], *La Presse*, March 2009.
- ⁸⁶ Such organizations include the Tunisian Solidarity Bank, the National Fund for Promotion of Handicraft and Small Business, the Working Capital of the National Office of Artisans, the Fund for the Promotion and Decentralization of Industry, the Rural Development Programs, and the National Program of Productive Families.
- ⁸⁷ Mahfoudh Draoui, "Crise du chômage, crise d'identité."
- ⁸⁸ Report of the sixth session of the Conseil Supérieur de la Population.
- ⁸⁹ Decrees No. 2846 of November 8, 2006, and No. 886 of April 10, 2007, consolidated the prerogatives of the committee, which in the future will monitor Tunisia's compliance with international treaties that it has ratified.