



الجمعية التونسية للنساء الديمقراطيات
Association Tunisienne
des Femmes Démocrates



**ALTERNATIVE REPORT TO
THE SEVENTH NATIONAL REPORT
OF TUNISIA ON THE IMPLEMENTATION
OF CEDAW**

With the support of:



Entité des Nations Unies pour l'égalité des sexes
et l'autonomisation des femmes



ALTERNATIVE REPORT TO THE SEVENTH NATIONAL REPORT OF TUNISIA ON THE IMPLEMENTATION OF CEDAW IN TUNISIA

Produced by the Association Tunisienne des Femmes Démocrates (ATFD)

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General information. Since 2011, Tunisia has experienced various crises, economic, social, and security, which in addition to the political instability and the health crisis (COVID 19) have contributed to increased poverty, violence, and discrimination against women. Violence against human rights activists, the non-inclusion of civil society in the governmental processes for the drafting, implementation, and monitoring of laws and policies, as well as the decision-making process, discriminatory practices that block access to premises, access to information and financing, the absence of visibility in public policies, clear and legible statistics, mean that NGOs are always looking for information, having to react and mobilize in an emergency, which prevents them from pursuing a strategic feminist agenda.

- 1. Constitutional and legislative context.** The Constitution guarantees equality between male and female citizens, urges the State to eliminate violence, to safeguard, improve, and develop women's gains. But the current political discourse is threatening Tunisian women's gains, especially in the family fields. In the absence of the implementation of the Constitutional Court, the interpretation both in the parliament and the Presidency of the Republic is to oppose Article 1 of the Constitution which makes Islam the religion of the State, to the reform of the Personal status code and especially equality in inheritance (See the President's speech dated 13 August 2020). The concept of equality is either substituted by the word equity (Aforementioned speech of the President), or associated with the term equity as is shown in article 18 of the organic law N° 15-2019 establishing the finance law (Article 18: "[...] The head of the program ensures budget preparation according to objectives and indicators which ensure equity and equal opportunity between men and women [...]»). The range of reform of the various codes/laws announced after the adoption of the Constitution did not impact the Personal status code, nor the Code of Nationality. The COLIBE report was ignored, if not vilified. Even if legal discriminations in the enjoyment and exercise of political rights were partially lifted thanks to the special measures laid down in the constitution and the election law, de facto discriminations remain. The social and economic rights, granted under the Constitution and by law, are not effective and the measures taken are insufficient. The same goes for the elimination of violence and the trafficking of women and children, due to an insufficient budget, public awareness, adequate training of the various stakeholders, and implementing decrees. Thus, the various laws adopted in favor of women generally suffer from ineffectiveness do not contain provisions to streamline a gender approach.
- 2. Access to justice** for women, especially those living in rural or poor areas remains difficult. Legal aid which can be provided according to a 2002 law in case of indigence is subject to a burdensome administrative procedure (proof of indigence, particularly) which often prevents women from accessing. For the women victims of gender-based violence, this aid is a right, but many courts continue to require proof of indigence in the application of the 2002 law, given the lack of implementing decrees. Most of the police and national guard units specializing in gender-based violence do not have specific areas dedicated to women victims of violence, which discourages women from filing complaints. The law provides that dedicated areas for women victims of violence are provided in the courts of first instance where they can be informed of the procedure and its progress. Very few such areas have been created. And while all stakeholders have to inform the women victims of violence (FVV) of their rights and particularly the procedure to follow, few women benefit from this. The Courts and police stations have neither the adequate layout nor the

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trained personnel, to interact with the various types of disabilities, which indirectly limits the access to justice for disabled persons.

- 3. National mechanisms for the promotion of women.** The Council of peers for equality and equal opportunities between women and men, created by Government Decree dated 25 May 2016, particularly charged with the “preparation of annual periodic reports on the monitoring of the implementation of the national plan for the gender mainstreaming, including quantitative and qualitative indicators on the empowerment of women in the economic, social, cultural and political fields only presented one report in 2019. The report lists different initiatives and programs aimed at concretizing the national plan for gender mainstreaming and the institutionalization of gender, without actual results of these initiatives. The report omits to list the difficulties and resistance to gender mainstreaming, particularly by the legislative power.
- 4. National human rights body.** Created by organic law dated 29 October 2018, its members have still not been elected.
- 5. Special temporary measures.** Vertical parity on an alternating basis for parliamentary elections did not allow equal access for women as very few parties put women as heads of lists. In municipal elections, thanks to the adoption of vertical and horizontal parity, there were nearly as many men elected as women. While lists that do not respect gender parity or the presence of youth are inadmissible, those who do not present disabled persons are simply deprived of subsidies. However, 152 disabled persons were elected as municipal councilors (63 women and 89 men), 3 of whom were elected presidents of their municipality (2 men / 1 woman). As for migrant women, they have neither the right to vote or to run including for municipal elections.
- 6. Stereotypes.** There has been no action on stereotypes and there is no national program to eliminate them. The integration of human rights and awareness of gender equality remains very insufficient in high school and higher education curriculums. The teaching of religion with reference to the most orthodox interpretation is a major lever for spreading stereotypes about women, the glorification of polygamy, and the rejection of coeducation. International Conventions on human rights and especially the CEDAW are denigrated, and their content is “diabolized”. Teaching is generally directed towards their contestation to the benefit of Sharia which would be the sole guarantor of human rights and safeguard of the Arab-Muslim identity. Many private Koranic elementary schools and children's daycare centers have appeared. Non-mixing in principle, female teachers who wear the full-face veil, girls wearing the veil from the age of 4. In some public schools, some teachers impose non-mixing. Non-mixing is also imposed in some administrations, hospitals, post-office, etc... Public authorities have tried to control these Koranic elementary schools and daycare centers, but this control has not made it possible. Media and advertising continue to spread stereotypes (normalization of violence, degrading speech, etc...), and it is only when the feminist civil society calls on the Haute Autorité Indépendante de la Communication Audiovisuelle (HAICA) that it intervenes. The justice system where the judges have little training in human rights, spreads them just as much. Decisions based on CEDAW are rare. The same applies to legislation, with legal incentives for women to give up their jobs. The law on civil service/servants allows women to obtain unpaid leave upon request, for 2 years which can be renewed twice, to

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raise one or more children below the age of 6, or children with disabilities that require permanent care. As for the law dated 28 July 2006, it establishes a special regime for half-time work with 2/3 salary for mothers with a child up to 16 years old or a child with disabilities, for 3 years, which can be renewed twice. Law N° 112-1985 dated 5 March 1985 on civil pensions and military retirement, and survivors in the public sector as amended and supplemented, gives women who have at least 3 children under the age of 20 and who have contributed for a minimum of 15 years, the right to early retirement starting at 50. These laws strengthens social stereotypes enshrining /consecrating domestic and unpaid work for women and paid work for men. It encourages women to give up paid work in favor of domestic and unpaid work, thus increasing their economic dependence, social marginalization, and promotes their withdrawal from public life.

- 7. Gender-based violence towards women.** The notion of gender-based violence was deliberately omitted in law N° 58-2017 dated 11 August 2017 on the elimination of violence against women. The prevention aspect remains insufficient. Even if continued training of the main stakeholders (health, social affairs, interior, women's affairs, children, family and seniors, justice) is taking place and layman's guides on the law and modalities for caring for women victims of violence have been set up, training upstream is insufficient. Only a few medical and law schools/universities have introduced lectures/lessons on violence. Curricula of all levels of education have not been reviewed to introduce lectures/lessons on violence. State awareness campaigns are not continuous,. Very few women know the law and the rights it grants them. Women are supported mainly by associations who lack the necessary funding. There are very few shelters for women, especially in remote areas. The units specializing in violence against women and children can take restraining orders, but practice shows that these measures are if not inexistent, are at least rare. In practice, protection is only ensured by family judges. It is up to women to bring evidence of the violence suffered and judges only accept as evidence of domestic violence the initial medical certificate (CMI) delivered by a hospital. The no-charge principle of this certificate is not respected in all hospitals. In addition to all other treatments (x-rays, scanners, etc...) which are not free of charge, although the law guarantees the right to healthcare for women victims of violence. Examinations are expedited and incomplete, due to the overcrowding of emergency rooms. There is only one multidisciplinary center for forensic medicine dedicated to sexual violence in the capital (INJED).. The judgments issued since the entry into application of the law show a certain indulgence of judges towards domestic violence. While the law states that all physical violence and moral violence is an aggravating circumstance when they are committed by the spouse, former spouse, fiancé, or former fiancé, judges grant mitigating circumstances nearly systematically. The law no longer allows stays in case of withdrawal of the complaint by the victim, but the judges use the withdrawal of the complaint to grant these mitigating circumstances. And there is a real hostility/reluctance by judges to punish marital rape as is not specifically criminalized by law. An observatory of violence was set up in august 2020 by decree in accordance with Article 40 of Law 58. Up until today it is not functional yet. Victimizer surveys are not carried out regularly, the latest survey by the CREDIF on violence in public space dates back to 2017. The one on all forms of violence, especially in private space dates back to 2010. These surveys are not disaggregated by types of violence and the definitions used in the surveys differ from one to the next, because they are not based on legal/statutory definitions. Due to these inaccuracies, it is difficult to read them. Since law N° 58, each one of the relevant ministries must compile statistics. But these statistics are not cross-checked, which does not make it possible to have a global vision of the prevalence rate of violence in all its forms. And especially,

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these figures only cover reported cases of violence, given the absence of victimizer surveys. Regarding violence against children and especially girls, UNICEF in its 2020 report states that: “The proportion of girls’ victim is more important”. Regarding online violence/bullying against children, there is no specific data. “Up until now, caring for children victims de violence is not harmonized with international standards. Child protection officers are in charge of monitoring and orienting the victims, but very often caring for them stumbles upon the lack of formal care processes and the lack of coordination between the various relevant administrations (police, justice, health, social affairs...)”.

During COVID and the lockdown decreed in March 2020, the rate of violence, as indicated in the national report has increased significantly, especially domestic violence. Women who reported violence to the 24/7 hotline/helpline for Women Victims of Violence, were redirected to associative centers, given the lack of sufficient public counseling and accommodation centers. Specialized units of the police such as the national guard, reception centers and shelters have neither the qualified personnel nor the specific logistical resources for caring for disabled women, especially those accompanied by children.

Government Decree N° 582-2020 dated 14 August 2020, on care/reception centers for women and children victims of violence, which was taken without consulting civil society/CSOs and does not distinguish between accommodation centres and counselling centres and does not automatically allocate them a budget. Its reform also requires and It does not grant the rights for women victims of violence as a priority to emergency and assistance for housing, nor the provision of transit accommodation for associations who care for WVV. , The implementation of the national fund for women victims of violence is urgent given that women only obtain truly little redress from the courts, while law N° 58 makes compensation/redress a right for victims.

- 8. Gender-based violence towards women in these situations of conflict and peacebuilding.** The Truth and Dignity Instance (IVD), in its final report (May 2019), provides material compensation for women 5% higher than that of men. The provided compensation, based on dignity and transformative justice, provides specific measures for especially vulnerable women, in particular rural women, and racial minorities as well as measures for better access to health for all women. Nonetheless, none of the recommendations of the IVD have been adopted, such as the dignity fund intended for distributing the reparations, set up in December 2020, but non-functional yet, the parliamentary committee in charge of monitoring compensation or the governmental action plan scheduled within one year after submission of the IVD’s report. And to this date, no final judgment has been issued by the specialized courts.
- 9. Trafficking and exploitation of prostitution.** According to the data of the Ministry of Interior, the rate of trafficking increased to 102% compared to previous years (2017-2018), the trafficking of Tunisian women is higher than that of foreign women: 61.7% vs 38.3% foreign victims the majority of which is from Côte d’Ivoire. The sudden closure of nearly all brothels (2012-2013), the absence of support measures taken by the State for women who used to be there, explains this high rate of trafficking of Tunisian women. Most cases of sexual exploitation are judged, not in application of the law on human trafficking, but based on the Criminal Code, especially article 232 which incriminates/criminalizes pimping and sets out lesser penalties than those set out in the law on trafficking. Judgments of condemnation of foreign persons involved in the trafficking. They are often in an illegal situation and are afraid to lodge a complaint and to

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be deported. And while the law on trafficking allows them to get a residence permit for the duration of the legal proceedings, no implementing decrees have been issued in this sense. When in an illegal situation, foreigners have to pay a fine. The victims of trafficking then ask for an immediate return to their country and upon the intervention of the INLTP, they can be exempt from its payment.

Due to the lack of training of magistrates on human trafficking, some victims can be sentenced for clandestine prostitution (article 231 of the Criminal Code).

The number of children and girls, victims of trafficking, is high. In 2017, 680 cases of sexual exploitation of underage girls were monitored by the DPE (and 295 cases of boys). But they did not benefit from the protection granted by the law on trafficking given that it refers to the Child Protection Code. However, it only protects endangered children and does not provide specific care for child victims.

10. Participation in political life and public life. It remains low, especially in non-elected bodies. Ministerial posts given to them are generally not sovereignty ministries, except for a woman who was briefly minister of justice (6 months). Only one woman is governor out of 24 governorates. Out of 63 overseas embassies and consulates, only 8 women are ambassadors. The participation of women in high administrative office between 2019 and 2020 is as follows: In the government, the jobs held by women are 25% of those of women. In national bodies, there are 29% of women. In the Presidency of the Republic, 21% of women. In elected bodies: they represent 30.77% of members of parliament. Only two political parties are headed/chaired by women and few women reach the central committees of unions. The participation of women in public life and especially in the non-profit sector exposes them to regular smear campaigns on social media and in some mosques. Upon publication of the COLIBE report in 2018, its chairwoman received various threats including death threats, on social media and in mosques. Moral violence, police harassment, and arbitrary arrests are the lot of many female human rights defenders.

11. Nationality. Discriminations in the Code of Nationality persist and there are no draft laws to repeal them. The reform of article 6 of the Code of Nationality in 2010 has not put an end to all the discriminations related to the transmission of nationality to children. Maternal lineage is not taken into consideration in the attribution of nationality by birth in Tunisia (Art. 7). The nationality of women remains dependent on that of the husband. Thus, the loss or the deprivation of Tunisian nationality of the husband can be extended to the wife/woman and minor unmarried children of the interested party (articles 31 and 35). This idea has led to discrimination set in the access to Tunisian nationality and residency in Tunisia between foreign spouses of Tunisians. Thus, the foreign wife of a Tunisian man can obtain Tunisian nationality by law (through a simple declaration: Article 13), while the foreign husband of a Tunisian woman cannot obtain it through naturalization (Article 21). Destined to follow her spouse; the foreign woman married to a Tunisian male can obtain an ordinary residence permit, it is not the case for the foreign spouse of a Tunisian woman who can only obtain it if he is the father of a Tunisian child (art. 13 of the law of 1968 regarding the situation of foreigners in Tunisia). And the family of the foreign wife is privileged, in so much as the exemption of the obligation to inform the authorities when accommodating them at her domicile does not apply to the family of the foreign spouse of the Tunisian woman (Art. 21 of the 1968 law). Finally, discrimination was set up between the children whose father and/or mother have acquired Tunisian nationality (Article 25). A foreigner who has been naturalized Tunisian and who has a minor child from a previous marriage transmits his Tunisian nationality to his child unless otherwise provided in the

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naturalization decree. However, the female foreigner who has been naturalized Tunisian and who has a minor child from a previous marriage can only transmit her new nationality if she is a widow. If the father is living, the mother cannot by her own will transmit her Tunisian nationality, her will is inoperative.

12. The right to education. The distance to elementary schools from housing location, the absence of public transport, the multiple risks for children on the way to elementary schools force the inhabitants of rural areas and peri-urban areas, to remove their girls from school. For disabled persons, the rate of illiteracy is 55% (43% of men and 57% of women), despite the 2002 law making all public schools inclusive. The State has not provided sufficient logistical and financial resources and trained persons for caring/attending to disabled persons. Women who have disabled children, and who, because of patriarchal social standards, bear the responsibility of caring for them, end up without any support and even more marginalized, and often give up their personnel projects to fill the gaps in the state-run care system.

Disabled children have great difficulties in being accepted into childcare centers, as one of the conditions in the terms of reference is that only children with mild disabilities can be cared for/attended to. All others are sent to centers managed by associations (UTAIM, AGIM...where various types of disability are mixed) or private specialized centers for autistic children. Blind as well as deaf and mute children are excluded from kindergartens run by the MAFFES or specialized centers reporting to associations such as UTAIM and AGIM as they are classed as severely disabled. Disabled students in elementary schools are directed to specialized centers or reserved classes in public schools. Teaching staff and facilitators are not sufficiently trained and do not benefit from training programs, there is truly little support and very few adapted cultural and sports programs. Inadequate infrastructure and the lack of adequate facilities in junior high and high schools lead to a great number of school dropouts which explains the high number of illiterate persons within the disabled population. Regarding vocational training, the lack of workshops adapted to a disability, of specialized trainers and adapted curricula to the needs of the labor market, contribute to the unemployment of disabled persons. Thus, there is only one single training center dedicated to visually impaired persons and the only training offered is that of a switchboard operator, a job which, with technological progress is bound to disappear. For training courses dedicated to deaf and mute persons, there are only manual and unrewarding training courses.

Private and free private Koranic education often takes over as well as agricultural work and the recruitment of girls as domestic helpers. Despite the ban to employ minors under the age of 18 as domestic helpers (law N° 58-2017 dated 11 August 2017 on the elimination of violence against women). We should note the lack of harmonization between the law on violence and the Labor Code which authorizes child labor (under certain conditions) from the age of 16

13. Employment. According to the data of the national report, the participation of women in the economy remains low (between 24 and 26%). The unemployment rate of women is much higher than that of men. In 2019 according to the data of the Institut national des statistiques (INS), it was 22.4 % (Q1 2019) nearly double that of men (12.3 %). It reaches or exceeds 50% in the West and the South. **Women university graduates reach record figures in the unemployment rate.** If the national average is 38,3% vs 16.5% for men, it reaches a rate of 50.2% in the North-West, 61.9% in the center-west, 62.5% in the South East, and 69.5% in the South-West. Thus, more than 2/3 of unemployed university graduates are women and they take longer than men. On average, half of them taken more

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than one year to find work vs 32% for men. Yet, the social security system does not cover unemployed persons, in so much as there is no unemployment insurance. There is also, a **weak sectoral diversification of female employment**. Women work mainly in the service sector, manufacturing industry, and agriculture, jobs that are typically precarious because they are subject to climate and economic hazards. On the other hand, the employment of men spreads over all sectors. **Informal employment, without paid leave or social cover**, represents between 43% and 50% of non-agricultural labor in Tunisia. Pay inequalities between men and women are the rule in the private sector and in the informal sector where many women work, despite multiple texts banning it and criminalizing it (The Labor Code and law N° 58 dated 11 August 2017 on the elimination of violence against women). Access to bank loans is low: women's market share did not exceed 23% in 2015 vs 87% for men. The reason being that banks require mortgages. Yet due to inequality in inheritance few women own real estate assets. Access to credit for disabled persons is not guaranteed. Blind persons as well as deaf and mute are still being asked to have a witness present for the legalization of signature, as well as for any banking operations, despite the provisions of law N° 66-2008 dated 3 November 2008, on the relaxation of transactions for disabled persons (Article 378 (paragraph 2 new)). **Domestic work, unpaid and invisible** weights mainly, if not exclusively on women. According to available surveys, *“women from all categories, dedicate eight times more time than men to carrying out domestic work and childcare and older or dependent people living with the family, i.e., 5 h 16 minutes vs 39 minutes (respectively 21.9% vs 2.7% of a day. The global value of unpaid domestic labor, care and services was estimated at 47.4% of GDP in 2006)”*. And even if the activity of women outside the home increased slightly in the 1990s, it has all but stagnated since. Care activities and domestic tasks are unpaid and are neither recognized nor valorized, for example through the promotion of shared responsibility within households and in the family. Finally, **the duration of maternity leave** does meet international standards. In the private sector, article 64 of the Labor Code (CT) limits maternity leave to 30 days, which can be extended by a period of 15 days upon presentation of a medical certificate. Article 48 of the law on public service sets it at 2 months with the possibility of getting postnatal leave “destined to allow her to raise her children” to 4 months maximum, at half pay. “The Head of the family”, the father, according to article 40 of the same law, in turn, has the right to a leave of 2 working days, for a birth.

14. Healthcare. The healthcare sector, just like the education sector, is in a serious crisis. Lack of resources and corruption are at the origin of this deterioration of which women are the first victims. The number of deaths related to pregnancy and childbirth remains high as shown in the national report. Difficulty to find contraceptives in hospitals due to chronic shortage, the closure of many family planning centers and units, in addition to the refusal by many doctors, including in hospitals, to carry out abortions, still regulated by the Criminal Code, all threaten the right to abortion. In general, the lack of resources, the high cost of medication, and the absence of healthcare cover makes women's access to healthcare difficult.

During the pandemic, this difficulty was especially aggravated for the most vulnerable women. No health protocol was reserved for disabled persons. In the framework of the lockdown decisions, the closure of specialized centers led to a regression of cognitive, intellectual, and functional achievements due to the suspension of care/treatment (Physical therapy, speech therapy, psychological, ergotherapy), especially of children. The absence of all support or specific measures for the parents or families of disabled children under house lockdown following the closure of educational centers. The exceptional financial aid measure taken by the State during

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lockdown was not given to all the persons recognized as disabled by the State, it mostly benefited the families hosting disabled persons.

15. Groups of disadvantaged women. No implementing text has been taken since the adoption in January 2019 of the El Amen Law against poverty. Many women who live in poverty/precarity, end up homeless; thus, the need to register the right to decent housing as a priority issue of any public policy against exclusion. The COVID crisis and the lockdown worsened the situation of disadvantaged women suffering from poverty. With activity at a stand-still, most often in the service, food and beverage, informal trade, and menial and precarious work (domestic work), women whether they are in a family, in a couple or single, ended up without income and without the possibility to compensate this loss of revenue through the “usual DIY” activities. Single and isolated women, in charge of their minor children, some live off the modest aid provided by the program for destitute families (180 DT/month and occasional aid for children, 50 DT). Rare are those who have been able to obtain the subsidies granted on an exceptional basis during the pandemic to needy families. **Women living in rural areas.** 44% of them are seasonal workers, none of the measures laid down by article 14 of the Convention have been made effective. Access to water, electricity, the guaranty of secure transport, access to different training courses, participation in the drafting of development plans, etc... Their number has been growing since 2011, while the number of days worked has significantly reduced. The lack of infrastructure, transport, electricity, adequate urbanization impact domestic shores and accentuate the marginalization of women in rural areas. Transport conditions are terrible (“we are transported like cattle” these women say) and deadly accidents are regular. The law dated 11 June 2019, on the creation of a category for “transport for agricultural workers” has not been applied yet. A minority subscribes to the National Social Security Fund (CNSS) and most of them do not know the regime set up in 2019. In practice, monitoring of the agricultural sector is non-existent due to the lack of human and material resources in said departments, the seasonal nature of the work makes it even more difficult to implement inspection. Domestic workers. Hired without contracts, they do not benefit from minimum wage (SMIG), without the respect of legal working hours, they are with rural women amongst the most vulnerable women. Even if the law obliges their employer to declare them and register them for social security, due to the lack of monitoring, very few get it and thus they remain at the mercy of their employer. A draft law has been tabled in Parliament to improve their conditions, but it has not been examined yet. Migrant women. For lack of the reform of the 1968 law on foreigners and the Labor Code in their restrictive provisions on residency and labor conditions, the ratification by Tunisia of the International Convention on the Rights of all Migrant Workers and Members of Their Families, most of them, especially sub-Saharan women, in an illegal situation, are forced into informal labor and exploitation. A draft law on asylum has been drafted, but none of the successive governments have adopted it. Disabled women. They suffer from ghettoization, due to their reporting solely to the Ministry of social affairs, they are considered as social cases, and they suffer from multiple forms of discrimination. Their circulation is difficult due to ill-adapted road infrastructure and administrative buildings. Despite the amendment of the law which increased the employability quota of disabled

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persons taking from 1 to 2%, the majority of disabled persons have difficulty finding a job and those that they are offered (switchboard operators) do not meet the needs of the labor market at all. LGBTQI Women. Article 230 of the Criminal Code is still applicable and criminalizes lesbians (in the Arabic text, which alone is authentic). Other texts which are contrary to the principle of legality of offenses and penalties, incriminating offenses against public morals or violation of good morals (Art. 226 and 226 bis of the Criminal Code) are used to repress them. With the exception of one decision that recognized the right to change identity for a transgender person, justice remains hostile to the recognition of rights of sexual minorities. As for law N° 58, it does not consider sexual orientation as a position of vulnerability. Elderly women. They are considered as being in a vulnerable situation according to law N° 58, but they are not considered in public policies and there is no specialized association caring for them. The revenue of women is low, and their priority is often to satisfy their immediate essential needs rather than to prepare for their retirement. Due to the inequality in inheritance between men and women, and the absence of maintaining in the marital home for the surviving spouse, they often end up in a precarious situation and have difficulties recovering their rights, such as the retirement pension of their deceased husband or disability pension for occupational accidents. Women from ethnic and religious minorities. The implementation of the committee against racial discrimination by law N° 50-2018 on the fight against racial discrimination was not carried out, despite the publication of the relevant decree in the official gazette. Single mothers. The 1998 Law authorizes legal action to ascertain filiation but there is still a legal void regarding single parenting. Failure to clearly recognize the rights of single mothers on their children (parental authority, custody, etc...) leaves them vulnerable to arbitrary rules.

- 16. Marriage and family relations.** Discrimination in the Personal status code was maintained. The abolition of the circular preventing marriage between a Tunisian woman and a non-Muslim man did not prevent some mayors to publicly announce that they refuse to perform interfaith marriages, without receiving any sanctions or call to order by authorities. Dowry, a counterpart for the consumption of the marriage was maintained including article 13 of the personal status code which constitutes a real incitement to rape. The waiting period imposed on divorced, widowed women or women whose husband is absent represents discrimination and a violation of the freedom to marry for women (art. 34, 35, and 36 of the CSP). Reference to traditions and customs in article 23 of the CSP, risks maintaining stereotypes of females and male roles. The husband is still the head of the family (art 23 of the CSP). Guardianship (parental authority) or some of its attributes are only exceptionally carried out by the mother (art. 67, 154, 155 of the CSP). **The 2015 reform** (law dated 23 November 2015, amending the passport law) establishes equality between the parents during the marriage but only in relation to decisions regarding travel and passport application for the children. Custody of the children remains a female function dependent on the guardianship of the father (art 58, 59, and 61 of the CSP). As for the maintenance due by children to ascending relatives, the male line is privileged compared to maternal lineage (art 44 of the CSP). Inequality in inheritance was maintained. The draft law introduced in 2018 to the ARP was discussed/debated twice in the parliamentary committee and met with very strong resistance. The argument being that the reform is contrary to a very clear-cut text of the Koran and thus contrary to article 1 of the Constitution which states that Islam is the religion of the State. In his speech on 13

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August 2020, the President of the Republic used the same argument of a clear text from the Koran to oppose equal inheritance.

Executive summary



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Executive summary. The various crises, whether economic, social, and security, in addition to the health crisis (COVID 19) have contributed to increased poverty, violence, and discrimination towards women. The access to power of a conservative political majority has led to opposing Sharia to the reforms of family law, contributes to the spread of sexist stereotypes and the stigmatization of human rights and the women defending it. Political instability added to the collapse of public services such as transport, healthcare and education does not make it possible to ensure the effective application of the laws and/or reforms taken in the field of the right to safety (violence against and human trafficking of women and children), to political, economic rights (work) and social rights of women (health and education).

Recommendations

1. Violence against women

Allocate the necessary financial and human resources for the implementation of the law on the elimination of violence against women.

- Reform Government Decree N° 582-2020 dated 14 August 2020, on care/reception centres for women and children victims of violence, taken without consulting civil society, specially to distinguish between accommodation centres and counselling centres and by allocating them automatic funding.
- Revise texts on legal aid and provide it without conditions of poverty to the women victims of violence.
- Set up:
 - A national fund for support to women victims of violence
 - A single monitoring system (files, matrix of indicators, etc....)
 - Facilities dedicated to the authors of domestic violence who are under restraining orders.
- Create the necessary coordination structures for quality care for the women victims of violence.
- Apply the provisions de law N° 58-2017 on the prevention, for the dissemination of human rights education, equality and non-violence to men and women and sexual education.
- Ensure free medical and psychological care for FVV in public health facilities.
- Ensure upstream high-quality training for all stakeholders.
- Take necessary measures to rehabilitate the perpetrators of violence against women.
- Adopt the draft law for the ratification of the Istanbul Convention i.e., the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- Ratify the ILO's Convention N° 183 (N° 190) on violence and harassment which has already been signed by Tunisia (2019)

2. Trafficking in women

- Revise the legal framework on similar offences (the Criminal Code, especially those criminalizing clandestine prostitution) on human trafficking to ensure coherence between the various legislative texts.

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- Adopt or revise the method for recording cases linked to human trafficking at the level of all courts in order to ensure rapid access to the data of these cases and efficient monitoring.
 - Give effective access to legal information and legal aid for the victims of human trafficking.
 - Provide effective recognition to the status of victims of human trafficking so that they can receive assistance/care and receive redress.
 - Generalize training on human trafficking for all personnel involved in the legal system (officers of the court, law clerks, lawyers, judges ...)
- 3. Participation in political and public life.**
- Extend the rule on horizontal parity to all elections.
 - Include gender parity in all public bodies and ensure its application through the Council of Peers.
- 4. Nationality.**
- Reform the Nationality Code in order to:
 - Recognize maternal lineage in the granting of nationality through birth in Tunisia on an equal footing and under the same conditions as male lineage.
 - Recognize Tunisian women's right de transmit their nationality to their foreign husbands on an equal footing and under the same conditions as the foreign wives of Tunisian men.
 - Remove the possibility of loss/ forfeiture of nationality for women following the loss/ forfeiture of Tunisian nationality by the husband.
 - Reform the law on foreigners in order to recognize the right to residency for the foreign husbands of Tunisian women on an equal footing and under the same conditions as the foreign wives of Tunisian men.
- 5. The right to education.**
- Set up a program to fight illiteracy in general and in female populations specifically by bringing schools closer through school bus and boarding school systems.
 - Implement incentives to keep girls in schools in rural and disadvantaged areas.
 - Monitor the free and private Koranic schools and public religious teaching and strengthen the inspection of early childhood facilities by extending the prerogatives of the inspectors to all facilities in charge of this education, whether they are established *de jure or de facto*, by private citizens or by faith-based associations.
 - Strengthen the national legal framework on the right to education by establishing laws on quality norms and standards, the statute of teachers, education for girls, as well as a specific regime for the right to education, technical and vocational training.
 - Allocate more resources to education.

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6. Employment.

- Establish a strategy for economic reforms aimed at putting an end to regional disparities, inequalities between men and women, to solve unemployment and eliminate discrimination against women.
- Ensure the respect and application of laws such as the Labor Code in all sectors notably the agricultural and informal sectors.
- Ratify the international convention N° 183 for maternity protection and extend its application to all working women.
- Promote the multiplication of business incubators for women to allow them to improve their qualifications, access to information on labor market opportunities, on their rights, and institutional and non-governmental mechanisms which allow them access to such opportunities.
- Target all these actions at young female graduates to increase their chances for work.
- Require periodic surveys for housework budget-time and to measure the economic contribution of women through the creation of a non-market household production satellite account in order to analyze the evolution of the gender division of labor and its impact on the economy and on society as a whole.
- Ratify the ILO's Convention N°183 on Maternity Protection Convention of 2000, and extend maternity leave so that it is, in the private and public sector at least 14 weeks and that prenatal care, childbirth care and post-natal care are fully covered by social security.
- Ratify the ILO's Convention N° 156 on Workers with Family Responsibilities of 1981 which recommends "*to take account of the needs of workers with family responsibilities in community planning*"; and "*to develop or promote community services, public or private, such as child-care and family services and facilities*" (Article 5).
- Establishing parental leave, that allows households/families to choose for it to be taken by the father or the mother should allow not only to put an end to social stereotypes according to which the education of children is the sole responsibility of mothers but would also allow couples where the woman holds a better job to be able to choose leave for the father.
- Generalize social security in informal jobs and review the fixed-term contract system in order to include fundamental labor guaranties in it.
- Enshrine gender parity in economic decision-making bodies and in unions.

7. Health Care

- Reform and upgrade the public health sector to resolve the difficulties faced by patients, deal with the degradation of working conditions of professionals and face the budget deficit of health facilities and to be able to ensure quality preventative and curative therapies for all sections of the population.
- Guarantee access to reliable information for women regarding their sexuality, sexual health and reproduction by deploying large scale awareness campaigns and by integrating comprehensive education on sexuality in school curricula.
- Counter disinformation campaign and sanctimonious speeches on sexual and reproductive rights and circumscribe the principle of conscientious objection.

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- Allocate the necessary financial and human resources for adequate functioning of sexual health and reproduction services and review the health system map to ensure the proximity of services for all women in all regions.
- Ensure availability and accessibility of quality contraceptive methods and abortion in the public sector.

8. Groups of disadvantaged women.

- **Fight against poverty for women.**
Adopt the implementing texts of the El Amen law against poverty.
Register the right to decent housing as:
 - A priority in any public policy against exclusion
 - A priority right for women victims of violence including at least one state action for emergency accommodation and housing assistance
 - The right to stay in the marital home for the surviving spouse
 - A right implying the provision of transit homes for associations supporting women
- **Women living in rural environment.**
 - Improve social protection for women agricultural workers and make it effective
 - Recognize and organize the transport of women agricultural workers within the framework of the implementing text of Law n° 2019-51 dated 11 June 2019, establishing a category for the «transport of women agricultural workers».
 - Improve the efficiency of agricultural inspection by establishing it as a public policy priority.
 - Establish permanent programs for education, awareness or information mainly targeting women agricultural workers.
 - Improve access to infrastructure and technology (namely to water and sanitation facilities, to electricity and domestic technologies), in rural areas.
- **Women domestic workers**
 - Extend the application of the Labor Code to domestic workers.
 - Ratify Convention N° 189 on domestic labor (salaried) of 2011.
- **Migrant and refugee women**
 - Reshape the 1968 law on foreigners and the Labor Code in their restrictive provisions on residency and labor conditions for foreigners.
 - Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
 - Adopt the draft law on asylum.
- **Single women/mothers**
 - Establish maternal filiation where the guardianship of children is granted to the mother, whenever a child is born outside of marriage.
- **Disabled women**
 - Transform the Higher Council for the Protection of People with Disabilities into a national independent body.
 - Provide universal health insurance to all unemployed people with disabilities
 - Put in place a national strategy for inclusive education covering the whole school curriculum as well as vocational training
 - Establish a specific allowance for adults with disabilities

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- Implement the Decree of 2006 establishing the technical norms for accessibility by all public services, at the national, regional and local level
- Create a section within the National Observatory to counter violence against women dealing with the disability aspect.
- Train personnel in centers dedicated to the reception and support of disabled women or children victims of violence
- Train all judicial officers, specialized police and national guard units for managing the disability gender approach.
- Adapt the premises of reception centers (toilets, showers, rooms) so they can receive disabled women victims of violence.
- **LGBTQI+++ Women**
 - Abolish Article 230 of the Criminal Code.
 - Reform les Articles 226 and 226 bis of the Criminal Code in accordance with international and constitutional standards
- **Ethnic Minorities**
 - Establish a committee to fight racial discrimination.

9. Marriage and family relations.

- Abolish the concept of head of family of the husband (Article 23 of the CSP)
- Establish parental authority on the children in lieu and place of the guardianship of the father (Article 154 of the CSP)
- Treat on an equal footing and under the same conditions paternal and maternal lineage in terms of maintenance (Article 43 of the CSP)
- Remove discrimination in terms of custody of children and make it separate from guardianship.
- Ensure equal inheritance of widowers and widows (Articles 101 and 107 of the CSP), des descendants des deux sexes (Article 107 of the CSP), including grandchildren and between brothers and sisters by adopting the draft law of November 2018.

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