



الجمعية التونسية للنساء الديمقراطيات  
Association Tunisienne  
des Femmes Démocrates

# BEIJING +30 REPORT

*Report of the Tunisian  
civil society's  
comprehensive review  
of the implementation  
of the Beijing  
Declaration and Platform  
for Action*



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## LIST OF SIGNATORY ASSOCIATIONS OF THIS REPORT:

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**ADLI**, Association Tunisienne de Défense des Libertés Individuelles

**AFC**, Association Femme et Citoyenneté, Le Kef

Association **Al Karama**, Tozeur

Association **Amal** pour la famille et l'enfant

**ASF**, Avocats Sans Frontières Tunisie

**Aswat Nissa**

**ATFD**, Association Tunisienne des Femmes Démocrates

**ATP+**, Association Tunisienne de Prévention Positive

**ATSR**, Association Tunisienne de la Santé de la Reproduction

Association **Awledna**, Sousse

Association **BEITY**

**CALAM**, Association Coexistence with Alternative Language and Actions Movement

**DAMJ**, Association Tunisienne pour la Justice et l'Egalité

**EUROMED DROITS**

**FTDES**, Forum Tunisien pour les Droits Economiques et Sociaux

**Groupe Tawhida Ben Cheikh**, Recherche et action pour la santé des Femmes

**INTERSECTION**, Association Intersection pour les droits et les libertés

Association **Jeunes au Service des Femmes**, Kasserine

**LTDH**, Ligue Tunisienne des Droits de l'Homme

Association **Mouwatinet**, Sfax

**Psychologues du Monde**, Tunisie

Association **Sallima**, Sidi Bouzid

**TIGAR**, Association Citoyenneté Paritaire, Kasserine

Association **Voix de la Femme**, Mahdia

Association **WeYouth**

*Report prepared with the support of :*



## PRESENTATION OF ATFD

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Founded in 1989, the Tunisian Association of Democratic Women (ATFD) is an independent association which has asserted itself as a feminist association based on the principles of autonomy, plurality, solidarity, gender equality, human rights and social justice within the framework of a secular and democratic state.

ATFD strives to achieve the following objectives:

- Fighting against all aspects of patriarchy;
- Fighting against gender-based violence and discrimination;
- Defending women's rights and promoting equality for all in all spheres of life;
- Defending human rights and individual freedoms of all persons without discrimination, mainly discrimination based on gender identity;
- Fighting for citizenship and democracy;

Since it was created, ATFD has advocated for the promotion of human rights and women's rights in particular, undertaken monitoring of the State's policies and has denounced all human rights violations. In its fight against gender-based violence, ATFD opened a counseling center in 1993 to support and assist women victims of gender-based violence and human rights violations.

ATFD has held successful campaigns including the campaigns for the lifting of reservations expressed by the Tunisian State since 1985, for the constitutionalization of equality and women's rights or for the adoption of a law on the eradication of violence against women.

Throughout its history, ATFD has acted in coordination with autonomous associations promoting women's rights and human rights and has contributed to the development of an NGO network so as to take joint actions in solidarity with persons in vulnerable situations.

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## LIST OF ABBREVIATIONS

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AIDS	Acquired Immunodeficiency Syndrome
ATFD	Tunisian Association of Democratic Women
CAWTAR	Center of Arab Women for Training and Research
CEDAW	Committee on the Elimination of Discrimination Against Women
CREDIF	Center for Research, Studies, Documentation, and Information on Women
CSO	Civil society organization
CSW	United Nations Commission on the Status of Women
ECOSOC	United Nations Economic and Social Council
FTDES	Tunisian Forum for Economic and Social Rights
HAICA	The High Independent Authority for Audiovisual Communication
HIV	Human Immunodeficiency Virus
ICC	International Criminal Court
ICPD	International Conference on Population and Development
ILO	International Labour Organization
INS	National Institute of Statistics
ISIE	Independent High Authority for Elections
IVG	Voluntary Termination of Pregnancy
LGBTQI++	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and other non-heterosexual or non-cisgender identities and sexual orientations
MDG	Millennium Development Goal
MENA	Middle East and North Africa
MICS	Multiple Indicator Cluster Surveys
NGO	Non-governmental organizations
ONFP	National Office for Family and Population
ONUDC	United Nations Office on Drugs and Crime
PLWHIV	People Living with HIV
PSC	Personal Status Code
SNJT	National Union of Tunisian Journalists
SRH	Sexual and reproductive health
UE	Union Européenne
UN	United Nations
UNFPA	United Nations Population Fund
WVV	Women victims of violence

# INTRODUCTION

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On the occasion of the thirtieth anniversary of the fourth World Conference on Women, in compliance with the resolution 2022/5 of the Economic and Social Council, the Commission on the Status of Women (CSW) will carry out, in March 2025, a review and an assessment of the achievements regarding the implementation of the Beijing Declaration and Platform for Action as well as the accelerating efforts to achieve gender equality and the empowerment of women and girls.

Under this Resolution, States parties are required to make reports on the implementation of the Beijing Declaration and Platform for Action and the texts issued at the twenty-third special session of the General Assembly, with an emphasis on the obstacles hindering the full, effective and accelerated implementation of the Platform for Action to achieve gender equality and the empowerment of all women and all girls and the full enjoyment of human rights by 2030. They are also required to contribute to the complete achievement of the 2030 Agenda for Sustainable Development through a gender-sensitive approach<sup>1</sup> and to continue to promote the action and participation of civil society, in particular non-governmental organizations and women's organizations as well as human rights national institutions, if available. In this respect, the resolution requires governments to collaborate at all levels with the relevant stakeholders, including young people, to prepare the 2025 review, in order to benefit from their experience and competence.

The signatory organizations of this Report are fully involved in this process by their contribution in order to contribute to the improvement of the situation of women in Tunisia

## Approach

This current report adopted a participatory and inclusive approach which allowed several local and national associations and labor unions to contribute to the final draft even though the first one was initially written by ATFD. Indeed, three consultation workshops were held in Tunis, Sfax and Sousse, which brought together 27 associations. During these discussions, the initial recommendations were debated and enriched by CSO partners. This process enabled the fine-tuning of the report so that it truly reflects the concerns and claims of the feminist movement as well as those of the Tunisian civil society.

After the analysis of the official report, we--as organizations fighting for women's human rights-- shall present our point of view regarding the issues raised and recommendations on some of the topics discussed.

It is worth noting that this report by ATFD and its partner organizations is intended to be an advocacy tool for the UN Commission on the Status of Women and for the associations in order to make recommendations to the Tunisian authorities for the promotion of equality and women's rights.

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<sup>1</sup> ECOSOC. Resolution 2022/5. Thirtieth Anniversary of the Fourth World Conference on Women. E/RES/2022/5 dated 17 June 2022.

This approach has always been adopted by Tunisian feminist and women's organizations. Since its foundation in 1989, the Tunisian civil society, including ATFD, has actively contributed to the promotion of the situation of women in Tunisia and in the region.

Within the context of the preparation of the Beijing Conference (1995), it has undertaken, jointly with several Arab and international organizations, multiple advocacy activities in order to encourage the States to adopt policies and laws in favor of women, to protect their rights, to ratify relevant international conventions and to lift reservations formulated in particular regarding the provisions relative to the situation of women within the family unit.

## Context

Today, we are facing a difficult time at the international level marked by wars, international and internal armed conflicts, natural disasters, terrorism, dictatorships, imperialist and colonial policies in addition to the rise of extremisms and populisms jeopardizing human rights and in particular women's rights that have been acquired thanks to human rights activists. The whole context is characterized by the challenging of the democratic values of equality, dignity and liberty, by the resurgence of cultural and religious relativisms and identity quests challenging the universality of human rights, and thus causing restrictions or even denial of certain rights.

The crisis of multilateralism has exacerbated this situation. Because of the rise of sovereignism, the unilateralism of superpowers, and the double-standard policies targeting the Global South countries, international organizations, including the UN, found it hard to make effective decisions and to be able to resolve conflicts, protect individual and collective rights and establish security and peace. In Gaza, the genocide, war crimes and crimes against humanity are the clear illustrations of this crisis of values, the domination of superpowers and the impunity which make some leaders escape justice and live without fear of being prosecuted or convicted.

Tunisia is not exempt from this crisis and its repercussions. In the face of absolute power and deficient institutions with no real competence, a judiciary submitted to the political choices and the unilateral decisions of an Autocratic Head of State, Tunisia is witnessing denial of all democratic and human rights gains and fragilization of women's rights, a situation which requires active mobilization of political actors and civil society. Within this context, this report was drafted with reference to the Tunisian official report and to the strategies of the declaration and platform of the Beijing Conference.

## I. TUNISIA'S OFFICIAL REPORT: THE REPORT OF NON-COMPLIANCE

### *A report that does not take into account the participatory approach*

The UN Economic and Social Council (ECOSOC) Resolution N°2022/5 encourages States to collaborate with civil society organizations, in particular women's organizations. However, the Tunisian Association of Democratic Women which is part and parcel of the associations that exclusively work in the field of discrimination and violence against women was neither involved nor consulted in the preparation of the official report. The report, however, mentions the role of the Union nationale des femmes de Tunisie (UNFT), the Centre de la femme arabe (Cawtar), the Union tunisienne de la solidarité sociale (UTSS), the Organisation Tunisienne pour l'Education et la Famille (OTEF) and the Chambre Nationale des Femmes Cheffes d'Entreprise. But no mention or reference is made to the role of ATFD despite its day-to-day battle in combating violence against women, the support and assistance it provides for women, its advocacy campaigns for the adoption of Law N°58-2017 on the elimination of violence against women and the production of several documents and reports on this subject. The same goes for other feminist associations renowned for their independence which have created together with ATFD the Feminist Dynamic such as the Association Beity, Aswat Nissaa, Calam, Association des femmes tunisiennes pour la recherche sur le développement, Association femmes citoyenneté, Association Joussour du Kef, Groupe Tawhida Ben Cheikh and association Amel pour la famille et l'enfant.

### *A report that obscures the real situation of women*

The Tunisian report just presents legislations (laws, decree- laws, circulars..) or national strategies adopted during the 2020-2023 period without a critical analysis or reference to their limits and the difficulties that hinder their application despite the insistence of ECOSOC resolutions on presenting the difficulties and obstacles hindering the full, effective and accelerated implementation of the Platform for Action, « the achievement of gender equality and the empowerment of all women and all girls ». The discrimination against women in particular within the family and in the socio-professional environment is not indicated in the report and no reform is recommended to achieve gender equality.

Besides, no application of the International Convention on the Elimination of All Forms of Discrimination against Women was considered despite the lifting of special reservations regarding some of its provisions, except the General Declaration, notably related to equality within the family and the attribution or acquisition of nationality. So far, the parliament has not made any amendments to the discriminatory legal provisions in the field of family or any other fields to make them compliant with the provisions of the Convention which ranks above laws in terms of legal value, under the provisions of article 74 of the Tunisian Constitution of 2022.

In addition, the harmonization of laws, which has become necessary especially after the adoption of law N°58-2017 relative to the elimination of violence against women and other laws such as those on human trafficking, does not seem to represent a priority for Tunisian authorities.

The timid reforms presented in the findings of the report fail to address women's rights within

the family as stated in the Personal Status Code (CSP) and its supplement laws. The reforms also fail to address the laws that govern the political participation of women for the elimination of persisting discrimination or for the preservation of their acquired rights in terms of elections and access to decision-making positions.

The report does not include any analysis of the difficulties of the implementation of the Beijing Declaration and Platform for Action nor the strategies and policies that need to be compliant with it. For example, all researchers and activists working on human rights in general and women's rights in particular consider that law N°58-2017 relative to the elimination of violence against women is an avant-garde law in compliance with international standards governing the matter. However, in spite of the general consensus on the difficulties of enforcing this law, no effort has been made by the concerned authorities to overcome these difficulties and consider solutions ensuring its effective application and the real protection of women victims of violence.

Furthermore, the report denies the violations against women's rights, most notably their political rights, including the reversal of gender parity gains that were established as early as 2011, and violations against freedom of expression due to the adoption of decree-law N°54-2022 which has become infamous following the high number of trials and convictions against human rights activists and some political figures. It also denies the risks of restriction of freedom of association, along with attempts to repeal Decree-law 88-2011 relative to associations.

## **II. THE TUNISIAN CIVIL SOCIETY'S COMPREHENSIVE REVIEW OF THE IMPLEMENTATION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION**

ATFD and its partners have chosen not to address all the subjects covered by the Beijing platform. This is not a prioritization based on the importance of subjects addressed in relation to others, but rather on the basis of the capacity of the associations in relation to the nature of the data and the information they have.



# CHAPTER I

## GENDER EQUALITY AND NON-DISCRIMINATION

Tunisia has made progress in terms of women's rights since independence and the adoption of the 1995 Beijing Declaration; however, significant challenges still persist. Women's rights remain jeopardized by fluctuating policy priorities and persistent resistance to equality. In the present context, women continue to face systemic discrimination and pervasive violence used as a tool of patriarchal domination. These inequalities, reinforced by social stereotypes, limit the enjoyment of acquired rights and delay the reforms needed to ensure true equality.

Although the 2022 Constitution maintains formal guarantees for women's rights, in particular under article 51 which reaffirms the State's commitment « to protect the acquired rights of women and to ensure that they are consolidated and promoted» and to guarantee « equal opportunities for men and women in accessing various responsibilities in all fields ». This article calls on the State to « strive to consecrate parity between women and men in elected assemblies ». In its turn, Article 23 states that « citizens are equal in rights and duties and are equal before the law, without discrimination ». However, despite these guarantees, many challenges still persist. The Constitution of 2022 does not bring any further progress compared to that of 2014 in terms of women's rights, nor does it not reinforce the existing acquired rights, leaving some important expectations unanswered. In addition, by granting the « purposes of Islam » a constitutional value in article 5, it paves the way for many sexist interpretations and limitations in the name of religious referents and, therefore, endangers the rights of women.

Even though some legislative and institutional progress has been made since 2011, some forms of discrimination still persist:

### ***1. Legislative and institutional progress***

Tunisia has ratified several international and regional conventions relative to human rights relevant to women including:

- The Rome Statute establishing the International Criminal Court (ICC)<sup>2</sup>.
- The additional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa Maputo Protocol<sup>3</sup>.
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote)<sup>4</sup>.
- The Council of Europe Convention on Action against Trafficking in Human Beings. The Council of Europe has accepted Tunisia's accession, on Thursday February 8, 2018, to the Council of Europe Convention on Action against Trafficking in Human Beings.

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<sup>2</sup> Decree N° 2011-549 dated May 14, 2011, approving the accession of the Republic of Tunisia to the Rome Statute of the International Criminal Court and to the Agreement on the Privileges and Immunities of the Court.

<sup>3</sup> Organic law N° 2018-33 dated June 6, 2018, Official Gazette. 2018, N° 49, p. 2470 approving the accession of the Republic of Tunisia to the Protocol to the African Charter on Human and People's Rights relating to women's rights.

<sup>4</sup> Organic law N°2018 dated January 15, 2018, approving the accession of the Republic of Tunisia to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote).

- The Budapest Convention on Cybercrime through the organic law N°2024-9 dated February 6, 2024, approving the accession of the Republic of Tunisia to the Council of Europe Convention on Cybercrime.

In the post-revolution and democratic transition context, a set of laws was adopted to reinforce protection of women, children, persons with disabilities and migrants. Amongst these laws, we may mention:

- Law dated August 3, 2016, relative to preventing and combating trafficking in persons<sup>5</sup>. This law ensures protection of vulnerable persons, particularly vulnerable to trafficking, such as women, children and migrants<sup>6</sup>.
- Law dated August 11, 2017, relative to the elimination of violence against women<sup>7</sup>.
- Law dated October 11, 2018<sup>8</sup>, establishing protection against all forms of racial discrimination.
- Organic Budget Law dated February 13, 2019, in which article 18 introduced the concept of gender-sensitive budget<sup>9</sup>.
- Law N° 44 of 2024, regulating maternity and paternity leaves in Tunisia.

In addition to the laws being adopted, some amendments were made to a number of discriminatory legislations. In this respect, organic law N° 2015-46 dated November 23, 2015<sup>10</sup> relative to passports and travel documents was adopted, modifying and completing law N° 75-40 dated May 14, 1975, in order to enable women to travel with their children without the prior authorization from the father. Likewise, a circular from the Ministry of Justice dated 1973 banning Tunisian women from marrying non-Muslim men was repealed in 2017.

However, despite these undeniable achievements, women in Tunisia are not entitled to full equality in law and in fact, since some forms of discrimination remain.

## 2. Persistent discrimination and obstacles to equality

Inequalities remain deeply rooted in several fields, mainly in matters of marriage and inheritance. Although the Personal Status Code (PSC) promotes some progress in terms of equality, it continues to reproduce patriarchal structures and provisions. One of these inequalities, **maintaining the dowry**, even symbolically, remains problematic. Article 13 of the PSC establishes it as a condition for the consummation of the marriage, which could lead to the commodification of women's bodies. The patriarchal hierarchy is also preserved by article 23 of

<sup>5</sup> Law N° 2016-61 dated 3 August 2016 relating to the prevention and combating of trafficking in persons, Official Gazette. 2016, N° 66, dated August 12, 2016, p. 2524.

<sup>6</sup> IOM (International Organization for Migration), Étude exploratrice sur la traite des personnes en Tunisie, Consultant Élodie BROUSSARD, 2013. [https://tunisia.iom.int/sites/default/files/resources/files/TIPTunisia\\_baseline%20report\\_fran%C3%A7ais\\_LR.pdf](https://tunisia.iom.int/sites/default/files/resources/files/TIPTunisia_baseline%20report_fran%C3%A7ais_LR.pdf)  
[https://tunisia.iom.int/sites/default/files/resources/files/TIPTunisia\\_baseline%20report\\_fran%C3%A7ais\\_LR.pdf](https://tunisia.iom.int/sites/default/files/resources/files/TIPTunisia_baseline%20report_fran%C3%A7ais_LR.pdf)

<sup>7</sup> Organic law N° 2017-58 dated August 11, 2017, relating to the elimination of violence against women, Official Gazette. 2017, N° 65, dated August 15, 2017, p. 2604.

<sup>8</sup> Organic law N° 2018-50 dated October 23, 2018, relating to the elimination of all forms of racial discrimination, Official Gazette. 2018, N° 86, dated October 26, 2018, p. 3582.

<sup>9</sup> Organic Budget Law N°2019-15 dated February 13, 2019, Official Gazette. 2019, N°15, dated February 19, 2019, p. 484.

<sup>10</sup> Loi organique n° 2015-46 du 23 novembre 2015, modifiant et complétant la loi n° 75-40 du 14 mai 1975, relative aux passeports et aux documents de voyage, JORT. 2015, n° 95, p. 2824. Organic law N° 2015-46 dated November 23, 2015, amending and supplementing law N° 75-40 dated May 14, 1975, relating to passports and travel documents, Official Gazette. 2015, N° 95, p. 2824.



the PSC, which designates the husband as the head of the family in charge of providing for his wife and children. The matrimonial home is, therefore that of the husband. In case of disagreement, a woman who leaves the matrimonial home without her husband's authorization may be considered as being in a situation of « nouchouz » (insubordination), which could expose her to be deprived of her right to alimony, to divorce requested for fault (article 31 of the PSC), and to a possible sentence to pay compensation to the husband. Furthermore, the father has guardianship over minor children, even though the mother may exercise some attributions in terms of guardianship, and, in the event of the death or incapacity of the father, she becomes the legal guardian (article 154 of the PSC). It is worth noting that the 1993 reform attributing some guardianship prerogatives to the mother in case of divorce is still not implemented due to the lack of awareness, information, and knowledge of these new women's rights by competent authorities.

The matter of custody of the children concurrently remains an issue where inequalities persist. The PSC allows the judge to grant custody of the children based on their best interest; however, custody is often granted to the mother, irrespective of the causes of the divorce. Nevertheless, the mother's remarriage leads to the loss of custody, unless the judge deems it against the child's best interest, or if the husband has prohibited degree of kinship to the child or is his guardian<sup>11</sup>. Lastly, inequality with regard to inheritance still remains an issue of concern. The Personal Status Code follows the classical rules of Islamic law which favors inequality based on gender and prioritizes the male lineage. Indeed, at the same level of kinship, a woman generally inherits half the share of a man, with a few exceptions. The rules of succession devolution favor the agnatic lineage over the cognatic lineage, which perpetuates gender inequalities in a field as fundamental as inheritance.

Discrimination in terms of nationality also persists. The Tunisian Code of Nationality maintains gender inequalities. Based on article 7 of the Code, the attribution of nationality by birth in Tunisia only depends on the paternal lineage, thus excluding the mother from the process, which represents a form of discrimination against women. In addition, the nationality of the wife is subordinate to that of her husband, and the loss or withdrawal of the Tunisian nationality for the husband can be extended to the wife and minor children, as stated in articles 31 and 35. On the other hand, the foreign wife of a Tunisian man may obtain the Tunisian nationality following a simple declaration (article 13), while the foreign husband of a Tunisian woman must follow a naturalization procedure (article 21), which further reinforces gender inequalities.

It should be noted, in this regard, that the President of the Republic currently in office has clearly stated his opposition to equality and in particular equality in inheritance during his campaign for presidential elections. Still, civil society is determined to bring a substantial reform to family law in terms of inheritance.

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<sup>11</sup> In compliance with article 58 of the Personal Status Code.

**RECOMMENDATIONS FOR GENDER EQUALITY AND NON-DISCRIMINATION:**

Both ATFD and its partner organizations call on Tunisian authorities to honor their commitment to the implementation of the Beijing Platform for Action, namely its **Strategic Objective I.1.**, to:

- Promote and protect the human rights of women through the full implementation of all human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women, and more specifically point (230 c). As a State party to several international conventions, and following the lifting of its specific reservations in relation to some provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Tunisia is required to harmonize its national legislation with its international commitments.
- Develop and adopt a national strategy for equality and non-discrimination. This strategy should establish a global policy to take into account the fundamental rights of women in the whole UN system, namely in consultation services, technical assistance, reporting methods, gender-impact assessment, coordination, information and education in the field of human rights, and actively take part in the implementation of this policy (point 230 b and c).

They also call on Tunisian authorities to honor their international commitments required by CEDAW and the Beijing platform namely its **Strategic Objective I.2.**, to ensure non-discrimination and equality before the law and in practice and more specifically points (217, 222 et 230 a- b- c– d- i). Thus, Tunisian authorities are thus called upon to:

**Reform the Code of Nationality so as to:**

- Recognize the maternal lineage in the attribution of the nationality by birth in Tunisia on an equal basis and under the same conditions as for the male lineage.
- Grant Tunisian women the right to transfer their nationality to their foreign spouses on an equal basis and under the same conditions as the foreign spouses of Tunisian men.
- Abolish the possibility for the woman to lose her nationality due to the husband's loss of the Tunisian nationality.

**Review the Personal Status Code so as to:**

- Abolish the institution of the dowry, symbol of the commodification of women's bodies.
- Replace the institution of the head of household with joint parental authority.
- Establish total equality between spouses in rights and duties and remove all references to customs and traditions.
- Grant mothers, regardless of their marital status, in all cases and not on an exceptional basis, the prerogatives of guardianship on an equal basis with spouses/fathers.
- Establish equality in inheritance and accelerate the review and adoption of draft law N°90/2018 establishing the principle of equality in inheritance in order to end the of male

kinship and the male privilege.

- Allow the rectification of the civil status in case of gender reassignment by modifying the law governing the civil status.

**Educate and raise awareness:**

- Implement educational programs to deconstruct gender stereotypes and to encourage equal representation of women in all areas.

**Reinforce dialogue with civil society:**

- Involve civil society organizations in the decision-making and consultation process to ensure the demands of women should be taken into account.

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## CHAPTER II

# WOMEN AND SEXUAL AND REPRODUCTIVE RIGHTS

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Victims of the shrinking social role of the State and the disengagement of authorities from the different fields related to public services namely education and health, the sexual and reproductive rights of women have been particularly impacted for the past years as underlined in paragraph 90 of the Beijing platform.

### **1. *The right to contraception and abortion***

It is worth keeping in mind that following independence, Tunisia adopted laws recognizing the right to contraception and abortion. In fact, in the early 1960s, the colonial law prohibiting advertisement and sales of contraceptives was repealed and the first campaign of family planning was rolled out in 1964<sup>12</sup>. In the same perspective, the National Office for Family and Population (ONFP) was established in 1973 under the State's proactive policy to make sexual and reproductive health (SRH) services available, accessible, and free of charge and of high-quality, with an ambitious family planning program<sup>13</sup>.

The right to abortion was gradually recognized in Tunisia. In 1965, only married women having had at least five children were authorized to have an abortion, with consent from the husband. In 1973, Tunisia was one of the first countries in the MENA region to legalize voluntary terminations of pregnancy, even before European countries (France 1975). The right to voluntary termination of pregnancy was granted to all women, regardless of their marital status and the number of children. This right was also granted to female minors upon presentation of an authorization by their male or female guardian. The right to abortion is still in the section related to homicide in the Tunisian Penal Code, however, it must be noted that the 1973 text has liberalized this right while restricting it to three essential conditions: intervention during the first three months of pregnancy, in a hospital or medical facility or in an authorized clinic by a medical practitioner<sup>14</sup>. The medical termination of pregnancy (MTP), after the first three months, can only be allowed in case « the mother's physical or mental health are in danger or if the fetus presents a risk of suffering from a serious illness or disability<sup>15</sup>. It is also important to reiterate that access to abortion, as an integral part of the family planning program, is provided free of charge in public institutions.

However, despite the fact that Tunisia approved the action plan of the Cairo Conference on Population and Development (ICPD) and the Platform for Action of the Beijing Conference (with reservations related to these rights), the national context of complicity between liberal policies (which reject any social role for the State while favoring the private sector) and the rise of religious and identity conservatism has had a drastic impact on these gains.

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<sup>12</sup> Bénédicte Gastineau and Frédéric Sandron, *La politique de planification familiale en Tunisie (1964-2000)*. CEPED Document N°61. French Centre for Population and Development, Paris, 2000.

<sup>13</sup> Law N°17-1973 dated March 23, 1973, establishing et organizing the National Office of Family Planning and of the Population.

<sup>14</sup> Article 214 of the Tunisian Penal Code.

<sup>15</sup> Ibid

## 2. Restrictions and obstructions to the rights to contraception and abortion

Access to contraception services keeps deteriorating mainly for the most vulnerable groups, including young people and unmarried women, migrant women and women in situations of disability. According to the result of the Multiple Indicator Cluster Survey (MICS7), published in 2023 by the National Institute of Statistics (INS) and UNICEF<sup>16</sup>, the percentage of women who are married or in a non-marital relation using a modern contraception method was of 48 % in 2023, compared to 50 % in 2011-2012<sup>17</sup>. The percentage of unmet needs for contraception is at 16,1 %. In addition, 45.9 % of married women do not always use any method of contraception.

Since 2017, Tunisia has witnessed recurrent shortages of safe and effective contraceptives, such as estroprogestative pills, the morning-after pill, condoms and medical abortion commodities. Such shortages discouraged users and deprived them of essential services in terms of sexual and reproductive health.

Tunisia has been one of the first countries to introduce medical abortion. Since its introduction in 2001, it has progressively become the most used method in public structures, mainly Office for Family and Population (ONFP) centers. Despite the fact that this procedure is simple and safe in Tunisia, particularly at the early stages of pregnancy, access to these services is deteriorating. This deterioration is confirmed not only by the testimonies of women collected by feminist associations along with the reports produced by these associations (Groupe Tawhida Ben Cheikh, Beity, etc.), but also by studies about the quality of reproductive health services in the public sector (ONFP-UNFPA)<sup>18</sup>.

Since 2014, we have seen repeated misinformation campaigns against the family planning program, particularly targeting medical abortions, and obstructing access to abortion by a number of health service providers as well as a wave of abortion denials for « conscientious objection ». These practices have led to a dramatic decrease in access to abortion and to the frequent recourse to the private sector by women, at a much higher cost for women from disadvantaged backgrounds<sup>19</sup>.

In view of this alarming situation, the Tawhida Ben Cheikh Group and its partners updated, in 2023, a manual on Values clarification for attitude transformation (VCAT) in sexual and reproductive health. This manual, initially published in 2013, aims to reinforce attitudes of empathy and support and to provide professional advice for women requesting this service.

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<sup>16</sup> résumé MICS- Livret FR.pdf

<sup>17</sup> Tunisie: Suivi de la situation des enfants et des femmes. Enquête par grappe à indicateurs multiples 2011-2012. <https://ins.tn/sites/default/files-ftp3/files/publication/pdf/mics4-fr.pdf>

<sup>18</sup> Etat\_des\_lieux\_SMNN\_tunisie\_0.pdf

<sup>19</sup> En Tunisie, l'accès à la contraception et à l'IVG est en perte de vitesse. Jeune Afrique. March 15, 2018.

### ***3. Impact of restrictions and obstructions. Discrimination. Degradation of public services. Gynecologic violence***

The situation was soon perceived at the level of indicators for Tunisia in terms of its international commitments. As a matter of fact, Tunisia did not manage to fulfill its commitment within the scope of Millennium Development Goal 5 (MDG), to reduce the maternal mortality rate by three-quarters between 1990 and 2015. This rate went, as planned in 2015, from 74.8 per 100.000 live births to 33.6 against the target set at 18.7<sup>20</sup>.

Furthermore, Tunisia struggles to further improve its prenatal care coverage rate for women. Indeed, according to the results of the MICS carried out in 2023, 9.3% of women i.e. 1 in every 10 women did not have any prenatal consultation during the last pregnancy compared to 4.5% in 2018. It should also be pointed out that these indices are marked by a strong regional disparity with the lowest rates being registered in the Central West area where only 60% of women benefited from 4 prenatal care visits. Postnatal consultations, which represent an opportunity to ensure the appropriate development of the newborn, have recorded a decrease: in 2023, 61.8% of women who gave birth in the two years prior to the survey did not benefit from any post-natal consultation, compared to 58.6% in 2018. A small percentage of women give birth at home.

Based on these data, we may conclude that targets 2 and 3 of the International Conference on Population and Development (ICPD)<sup>21</sup> action plan are far from being achieved.

It is also important to note that this deterioration of sexual and reproductive health services and access to sexual and reproductive rights affects more particularly the most vulnerable women who depend on public service, especially women in rural areas, single mothers, women with disabilities, migrant women, refugee women and women asylum seekers, LGBTQI++ women, etc. Instead of offering further protection to these women facing multiple discriminations, public authorities continue to further hinder their access to services. For example, the Minister of Health issued a circular on August 10, 2018, which reactivated and amended a 2004 circular to extend it to the private sector forcing doctors and midwives to inform authorities of any case of pregnancy or birth of children out of wedlock, which risks infringing the right to confidentiality and respect of the private life of their patients<sup>22</sup>.

Furthermore, though Article 43 of the 2022 Constitution states that « Every human being has the right to health. The State guarantees prevention and health care to all citizens and provides all necessary means for the security and quality of healthcare services », about 2 million people in Tunisia do not have social and health coverage. In addition, the criminalization of LGBTQI++ persons has clearly affected their access to healthcare services, in particular in terms of sexual and reproductive health. As such, and in fear of prosecution based on article 230 of the penal code criminalizing homosexuality, several LGBTQI++ persons give up on accessing healthcare

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<sup>20</sup> Etat des lieux de la santé maternelle et néonatale en Tunisie. Ministère de la Santé/UNFPA. 2017.

<sup>21</sup> Which are respectively: Zero unmet need for family planning information and services and universal availability of quality, affordable and safe modern contraceptives and zero preventable maternal deaths and maternal morbidities.

<sup>22</sup> Circular from the minister of Health N°45 dated August 10, 2018.

services in particular within public health institutions, not to mention the different forms of stigmatization, discrimination, degrading treatment and the breach of confidentiality and medical confidentiality faced by LGBTQI++ persons in the medical setting<sup>23</sup>. In this perspective, transgender people are even more exposed to discrimination. For lack of adequate care, many of them resort to self-medication, with significant risk of complications and adverse events<sup>24</sup>.

#### ***4. Sexual and reproductive health services are almost all of poor quality***

The findings: professionals with little training in ethics and quality care; care access denial for patients requesting voluntary termination of pregnancy; stigmatization of patients with a pregnancy out of wedlock, or who have a sexually transmitted infection and who are not married; frequent contraceptive shortages, very limited range of contraceptive with little or no choice. Any professional can invoke conscientious objection to deny access to abortion and convey an inappropriate religious and moral message with no administrative sanctions; lack of psychological support and the pressure exerted by some professionals to force their choices upon patients; refusal to provide information or emergency contraception under the pretext of encouraging “moral depravity” among single women and “let go” to married women who should give up contraception.

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<sup>23</sup> Report of Coalition Tunisienne pour les Droits des Personnes LGBTQI for Tunisia's UPR. 2017.

<sup>24</sup> Ibid.



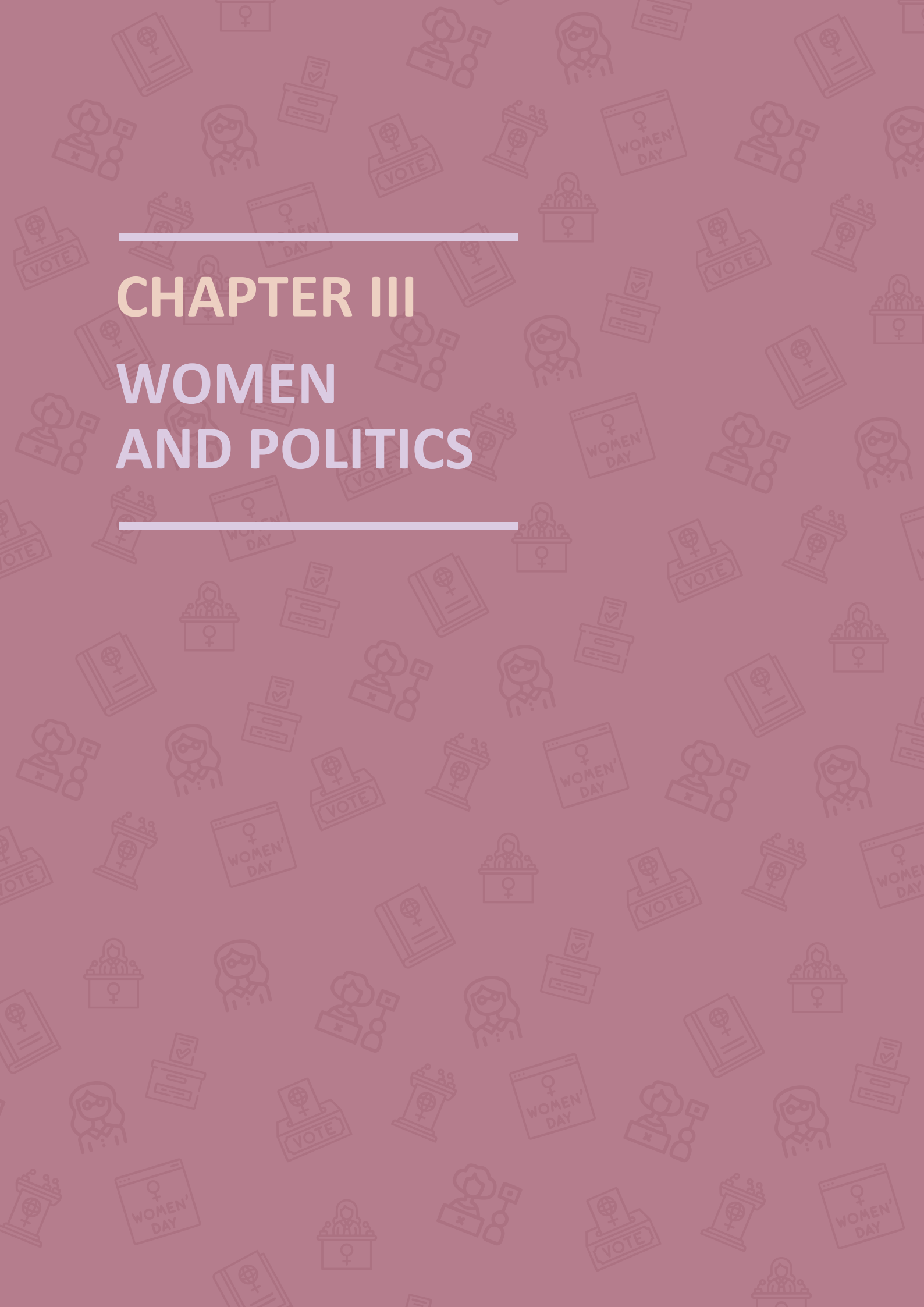
### **RECOMMENDATIONS ON SEXUAL AND REPRODUCTIVE RIGHTS:**

Reiterating that sexual and reproductive rights are integral human rights, recognized as such by § 95 and 96 of the Beijing Platform and that the State must guarantee in accordance with the provisions of Article 22 of the Constitution, we demand, in compliance with **Strategic Objective C.3.**, to:

- Ensure access to health for women and LGBTQI++ persons, especially pregnant women who are entitled to free healthcare.
- Review thoroughly the Penal code and the entire Tunisian legal arsenal so that they are based on equality between men and women in compliance with constitutional provisions and to protect public and private rights.
- Ensure women's access to reliable information about their sexuality, sexual and reproductive health by carrying out awareness campaigns for the general public and integrating comprehensive sexuality education into school curricula and address disinformation campaigns and moralizing lectures in relation to sexual and reproductive rights.
- Ensure the necessary financial and human resources for the appropriate provision of sexual and reproductive health services for contraception and access to safe abortions and review the health map to guarantee the fair distribution of specialists and ensure services proximity for all women in all regions.
- Launch initiatives taking into account the needs of women in relation to health problems regarding sexuality and procreation.
- Provide all persons living in Tunisia with free, good-quality, sexual and reproductive health services, regardless of their status, race, religion, geographic origin, sexual orientation or gender identity, migration status or health condition, etc.
- Ensure the availability and accessibility of quality contraceptives and abortions in the public sector and provide equipment for all obstetrics and gynecology departments to ensure access to medical termination of pregnancy services to all women.
- Make breast and cervical cancer screening mandatory and free for all women without discrimination.
- Include, in the continued training curricula for health professionals, modules related to sexual and reproductive health with an approach based on human rights and the principles of inclusion and non-discrimination.
- Include, in the medical students' curricula, the practice of medical termination of pregnancy and medicated and surgical techniques for safe abortions based on the recommendations and clinical best practices of the World Health Organization.

- Provide all persons living with HIV/AIDS with comprehensive care without discrimination and reinforce the national response to HIV in Tunisia, by establishing partnership agreements with the relevant ministries and NGOs, integrating an inter-sector approach and social contracts focused on specific objectives, in order to sustainably improve care for PLWHIV in Tunisia.
- Extend fertility preservation access in Tunisia by authorizing oocyte vitrification (oocyte freezing) for all women, regardless of their health condition, and ensure comprehensive quality care of subfertility/infertility. This includes medical, psychological and social support, in compliance with the reproductive rights of all, without discrimination.
- Protect the personal data of single mothers and denounce all stigmatization and discrimination speech against them.





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# CHAPTER III

# WOMEN

# AND POLITICS

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Progress made in relation to women's participation in politics has been unsteady in recent years, despite significant advances for certain periods of time.

### ***1. Representation of women in Parliament. Rescinding of parity. Regression***

Immediately after the revolution, and at the time of National Constituent Assembly elections, parity with alternation between men women on electoral lists was mandated<sup>25</sup>. It was later enshrined in the 2014 Constitution under Article 46 and in the 2022 Constitution (Article 51). Despite the adoption of the parity, women have never been equally represented in parliament. Thus, for the 2014 elections, following the adoption of the new Tunisian constitution in 2014, only 12% of all lists presented were headed by women. Following elections of the Assembly of the Representatives of the Peoples, 34.56%, i.e. 75 women out of a total of 217 members of parliament in the assembly were elected. In 2019, during the legislative elections, the rate of women heading lists represented only 14% and the representation rate of women dropped significantly compared to the 2014 legislative elections as only 43 women were elected, representing about 22% of all members.

However, since 2021 and the change in regime, a setback has been observed as parity has been rescinded for electoral lists and the electoral system has changed from the list system to the uninominal system. As a result, the December 2022 legislative elections marked a worrying turning point, with a notable decline in women's participation. The introduction of the uninominal voting system and the rescinding of mandatory parity led to a drastic decrease in female candidates, who only represented 15% of candidates<sup>26</sup>, compared to 48% in 2014 and 47.5% in 2019<sup>27</sup>. Although women represented 51% of registered voters<sup>28</sup> in the last legislative elections, their participation as voters was not mentioned in the report regarding the results of the legislative elections and on the website of the High Independent Authority for Elections (ISIE)<sup>29</sup>. There is only one statement indicating that "women's participation rate was at 34%, compared to 66% for men"<sup>30</sup>. This rate remains relatively low and underlines the weak engagement of women in the electoral process. Today, they represent only 16% of the deputies in the first chamber (Assembly of People's Representatives) and about 10% in the second chamber (Council of Regions and Districts). This regression goes against Strategic Objective G.1 of the Beijing Platform.

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<sup>25</sup> Decree-law N°2011/35 dated May 10, 2011, relative to the election of a Constituent Assembly.

<sup>26</sup> ISIE, women candidates in 2022: <https://urlr.me/GK8nyJ>

<sup>267</sup> Women in the Tunisian Parliament in 2019.

<sup>28</sup> Presentation of election statistics in 2022 (rate of women registered): <https://urlr.me/2HyV3Z>

<sup>29</sup> Presentation of elections statistics for 2022: <https://urlr.me/2HyV3Z>

<sup>30</sup> Nawaat: <https://nawaat.org/2022/12/13/legislatives-2022-les-femmes-rares-et-indefinissables/>

## 2. Representation of women in positions of responsibility: National level.

Women have indeed gradually reached leadership positions in the public sector, but at a very slow pace. In 2017, only 4.1% of women held positions such as secretary general at a ministry or director general in 2007. This rate only increased to 6.1 by 2017<sup>31</sup>. Over the same period, a regression of women in functional roles was recorded, with a decrease from 14.7 in 2007 to 12.1% in 2017 compared to men<sup>32</sup>. However, the appointment of a female head of government in 2021 brought ministerial parity to 38.8%, a significant advance, at least symbolically<sup>33</sup>.

**Table 26: Distribution of women and men in positions of responsibility (in%)**

Position	2004			2007			2017		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Secretary General of the Ministry or Director General or equivalent function	2.3	6.6	5.6	4.1	9.0	7.7	6.1	8.1	7.4
Director	10.8	14.6	13.8	14.7	17.7	17	12.1	13.9	13.4
Deputy Director	27.8	28.9	28.7	21.3	23.6	23	22.7	24.3	23.8
Head of Department	59	50	52	59.9	49.7	52.3	59.4	53.7	55.4
Total	100	100	100	100	100	100	100	100	100

Source: INS, Characteristics of civil service employees and their salaries 2004-2007 and 2013-2017

Gender Profile Tunisia, 2022, Table 26, UN Women

It should be noted that the report of the Tunisian State on the assessment of commitments derived from the Beijing Declaration and Platform for Action+30 was based on a comparison between 2004 and 2017 presenting a different reading of the statistics, while participation has practically stagnated or even regressed in 10 years for positions of responsibility (positions of deputy directors and heads of departments).

## 3. Representation of women in local and regional governance. Regression

In 2018, during municipal elections, the situation changed significantly due to the adoption of horizontal and vertical parity for the electoral lists, even though women's registration rate decreased. As for the legislative and presidential elections of 2014, women's registration reached over 50.5% of registered voters. The rate dropped to stand at 48% only<sup>34</sup>. Only 30% of candidates' lists were headed by women. This is an increase of 13% compared to the 2014 legislative elections. On the other hand, only 3.5% of the independent lists were headed by women, which reduced the overall impact of horizontal parity. As election results were called, 43% of women were elected municipal councilors, including 19.5% as chairs of municipal councils<sup>35</sup>.

<sup>31</sup> Tunisia gender profile: <https://arabstates.unwomen.org/sites/default/files/2023-01/Rapport-PGT-2022.pdf>, Page 63, table 26.

<sup>32</sup> Tunisia gender profile: <https://arabstates.unwomen.org/sites/default/files/2023-01/Rapport-PGT-2022.pdf>, table 27.

<sup>33</sup> Tunisia gender profile: <https://arabstates.unwomen.org/sites/default/files/2023-01/Rapport-PGT-2022.pdf>, table 25.

<sup>34</sup> ISIE, Election Registration Statistics, (2018): <http://www.isie.tn/elections/elections-municipales-2018/statistiques/>

<sup>35</sup> Tunisia gender profile: <https://arabstates.unwomen.org/sites/default/files/2023-01/Rapport-PGT-2022.pdf>, Page 63, table 26. The distribution of candidates who won seats on municipal councils by gender: Men: 53%, Women: 43%. Leading candidates who won seats by gender: Men: 70%, Women: 30%

However, this positive momentum was interrupted. In 2023, during the local council elections, only 12% of candidates were women<sup>36</sup>, marking a clear decline in women's participation. At the governorate level, where women are traditionally under-represented, only two governors (out of 24) were women in 2023, a number that dropped to only one in 2024 (governorate of Nabeul)<sup>37</sup>.

#### ***4. Exclusion of women from public space. Repression of activists, political and opinion trials.***

A climate of increased repression has targeted women active in public life, namely activists, journalists and human rights defenders, limiting their participation and undermining democratic gains in Tunisia. The extensive application of anti-terrorism laws and in particular Decree-Law N° 54-2022 dated September 13, 2022, relative to combating offences relating to information and communication systems has disproportionately affected some women who are critical of the regime<sup>38</sup>. These laws, often used to silence dissenting voices, have led to unjust prosecutions and targeted intimidation. Thus, emblematic figures such as **Bochra Belhadj Hamida**, a former president of ATFD, a lawyer and human rights activist, a former parliamentarian, is now forced into exile because of her indictment, without evidence and in an arbitrary manner, in a case of conspiracy against the security of the State. For her part, **Sonia Dahmani**, a lawyer and TV commentator, received heavy sentences for criticizing the management of migration. These examples illustrate the systemic policy to silence women who defend human rights and those who dare denounce authoritarian abuses or oppose discriminatory policies.

In addition, detention conditions of women activists have deteriorated considerably. Inhumane treatment, human rights violations and discriminatory practices against women detainees, especially those arrested for their activism or public criticism<sup>39</sup>. These repressive practices go against Tunisia's international commitments, namely those related to **Strategic Objective G.1** of the Beijing Platform, which calls for ensuring a safe and inclusive environment for women's participation in public life. Such violations jeopardize not only the progress made in the field of women's rights, but also the consolidation of democracy and the rule of law in the country.

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<sup>36</sup> Press: Local elections: Only 12% of women candidates (Nov. 2023)  
<https://lapresse.tn/2023/11/07/elections-locales-seulement-12-de-femmes-candidates/>  
<https://lapresse.tn/2023/11/07/elections-locales-seulement-12-de-femmes-candidates/>

<sup>37</sup> Governor of Nabeul: <https://www.nabeul.gov.tn/fr/author/govnabeul/>

<sup>38</sup> In Tunisia, decree-law 54-2022 aims to silence opposition voices  
<https://inkyfada.com/fr/2023/07/18/decret-54-opposition-tunisie/>

<sup>39</sup> The Intersection Association for Rights and Freedoms is an independent organization, an organization dedicated to human rights. Report on the situation of detained women activists: 7 profiles: <https://urlr.me/7HXuK>

**RECOMMENDATIONS RELATED TO WOMEN AND POLITICS:**

In view of what has been stated, we urge the authorities to:

**Ensure equal access and full participation for women in power and decision-making bodies, and consequently:**

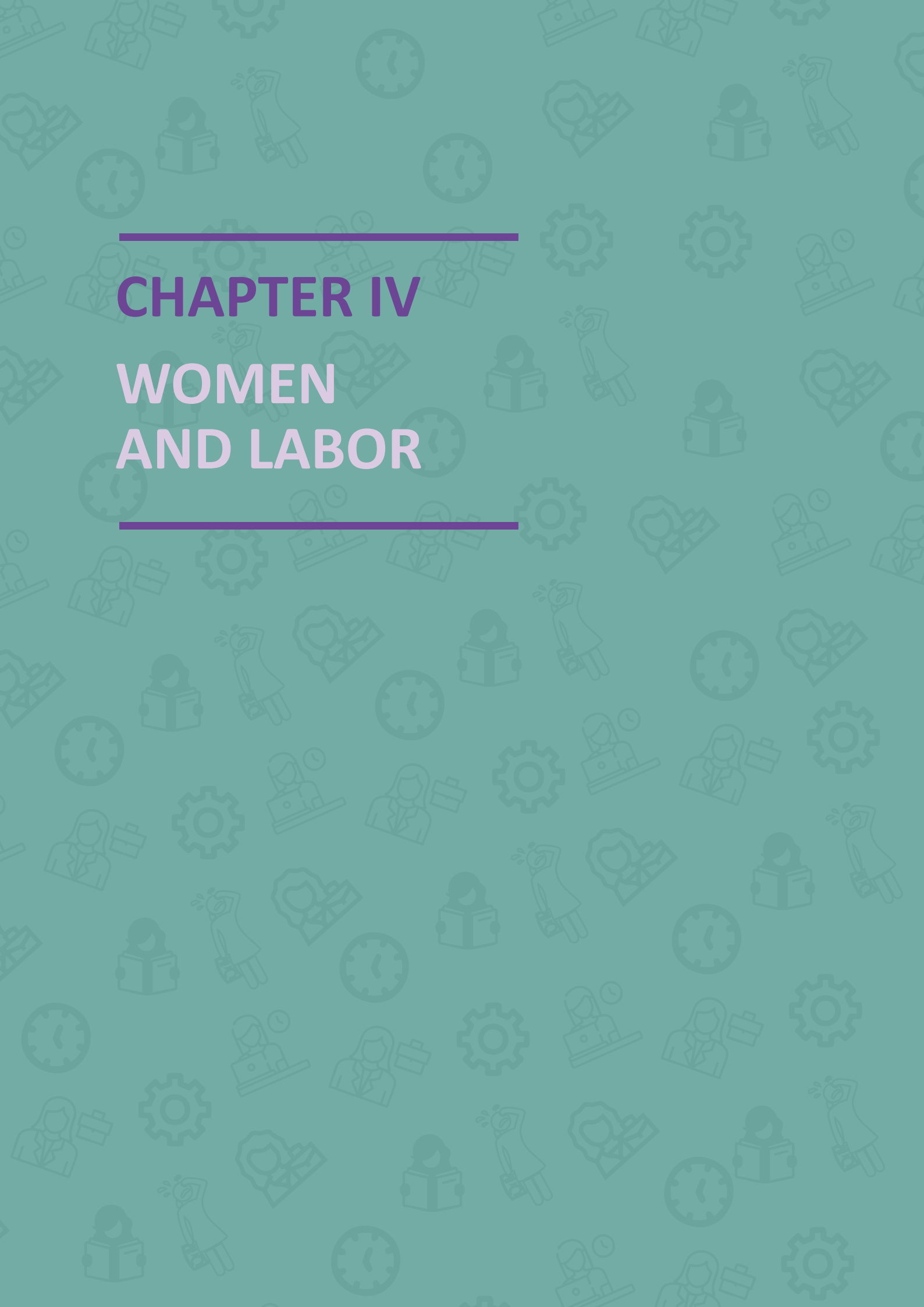
- Establish a legal framework ensuring parity at the level of leadership positions and decision-making bodies in compliance with international commitments and article 51 of the Tunisian Constitution.
- Review the electoral law to restore the mechanisms of horizontal and vertical parity in order to strengthen women's participation in local, regional and national elections.
- Adopt specific measures to combat political violence and intimidation of women in politics and to impose sanctions against discriminatory or violent acts targeting women activists, parliamentarians, and human rights defenders and repeal Decree-Law N°54-2022.
- Release all Tunisian women activists detained for political reasons, in conformity with Tunisia's international commitments and the recommendations of the Beijing Platform on the protection of women's right activists (§232).
- Put in place positive action measures in favor of disabled women.
- Reestablish decentralization through the application of the Local Government Code and guarantee a true presence of women in municipal councils.

**Provide women with the means to take part in decision-making and exercise responsibilities, and consequently:**

- Guarantee freedom of associations by implementing the provisions of decree-law N°88-2011 relative to associations.
- Reinforce participatory monitoring and evaluation tools, involving civil society, unions and institutional actors, to monitor the implementation of gender equality.
- Implement incentive policies in the public and private sectors in favor of the promotion of women in decision-making positions and their participation in underrepresented sectors.
- Integrate specific training for gender equality in public and private institutions, to raise awareness among decision-makers and reinforce the competences of women who aspire to hold responsibilities in all sectors.
- Reinforce statistic transparency mechanisms, based on paragraph 188 of the Beijing Platform, to fully utilize data on decision-making, economic and social equality, and assess the achievements.







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# CHAPTER IV

# WOMEN

# AND LABOR

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Over a decade after the 2011« revolution », and because of the disastrous policies implemented by the different governments, the Tunisian State is today debt-ridden<sup>40</sup>, dissociating itself, directly and indirectly, from its obligations particularly in the public sector. This has led to a continued degradation of essential services in the fields of education, health and transport. The people are getting poorer and have become subjected to private sector alternatives which take advantage of the gap left by the State. Unemployment reaches unsustainable rates and forms of precarious work are multiplying<sup>41</sup>. Women are the first to suffer from the most severe consequences.

### ***1. Female job insecurity: pauperization and unemployment. Women living in rural areas***

Increased poverty has caused the most underprivileged families to give up on the schooling of their children, the first victims being the girls. In 2024, 25% of the two million illiterate people were women. This rate goes up to 40% in rural areas<sup>42</sup> where about 60% of women face hunger, food shortage and malnutrition, and also have to manage water supply and often bear the responsibility of water management and family farming. Still, 73.5 % of women working in the sector have no social security coverage<sup>43</sup>. Deprived of social security and labor law guarantees, any disease or accident could be fatal for themselves and their whole families as they provide for them. They use obsolete means of transport called « the engines of death » which are often involved in fatal accidents.

The State has not taken any measures in favor of these women's rights. There has, however, been an effort, in view of the growing indignation, regarding the transport conditions of women workers and the recurrence of fatal accidents, to regulate the work of transport intermediaries without interfering in working conditions. Female farm workers are today the emblematic figure of the precariousness of women's work<sup>44</sup>. They are today victims of multiple forms of violence, ranging from economic violence to sexual violence. Moreover, they face difficulties in accessing hospitals, shelters, police stations and special units on violence against women. In addition, seasonal labor for farming female workers makes their situation worse<sup>45</sup>. Subject to abuse with slave wages below the minimum wage (the percentage of fixed wage only accounts for 8.3%). The cost of the female labor force is sometimes at half the cost of the male labor force, with a heavier workload in addition to housework of course.

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<sup>40</sup> Business News, La dette publique tunisienne en chiffres (January 11, 2024): <https://www.businessnews.com.tn/la-dette-publique-tunisienne-en-chiffres>, 520,134791,3

<sup>41</sup> The unemployment rate, already high in the country, reaching 16% in the 3rd quarter of 2024, is higher among women with 22.1% compared to 13.3% among men. Representing in total 25%, men account for 17% of the unemployed population against 31.6% for women.-INS. Employment and unemployment indicators in Tunisia, Third quarter.Tunis. 2024.

<sup>42</sup> Nouredine Hlaoui, « Femmes analphabètes en Tunisie », La Presse, January 16, 2024, online: <https://lapresse.tn/2024/01/16/femmes-analphetes-en-tunisie-des-chiffres-effarants/>

<sup>43</sup> Data mainly collected from the report: « Les oubliées: les ouvrières agricoles tunisiennes », Union Générale du Travail Tunisien (UGTT) agriculture section, October 2020. Tunis.

<sup>44</sup> ATFD and Observatoire Asma Fenni pour l'égalité des chances, Les conditions du travail agricole des femmes en rural areas, 2014, Tunis.

<sup>45</sup> INSD data, November 2017. See, Fatma Mbarek, « La femme rurale en Tunisie: Le travail informel et le problème de la féminisation », [in Arabic] As-Safir Al-Arabi, 16 February 2020. The article reviews the situation of rural women in Tunisia, highlighting their informal work and the feminization of labor.

## ***2. Domestic labor: the abuse of young girls and undocumented women migrants***

Domestic labor<sup>46</sup> can be equated with a form of human trafficking rather than dignified and decent work. It is always undervalued and downgraded. Young girls or undocumented women migrants are hired because they are less resistant to oppression. The testimonials of these workers often speak of abuse and overexploitation. The State has drafted a law in favor of women workers, Law N° 37-2021 of July 16, 2021, relative to the regulation of domestic labor, while refraining from ratifying ILO Convention N° 189 (2011) on Domestic Workers, and without ensuring the effective application of the law, hence an unheeded legislation.

## ***3. The Berbechas. The vulnerability of older women***

Another aspect of female vulnerability that calls for more visibility is that of women who search in garbage cans and waste dumps. Being unable to access resources, to own land, or integrate into the labor market, women who are dispossessed for multiple reasons (divorce, incapacity, constraining illness, exhaustion, etc.) are compelled to search through garbage for recyclable materials, to sell them for sustenance<sup>47</sup>. These women, generally old and having lost access to work opportunities, cling to this work, even if it is precarious, since it preserves their dignity and prevents them from falling into mendacity. They are a living testimony of rejected women who continue to proliferate. They resort to this livelihood because it does not require official authorization or specific skills. Yet this job is done in precarious conditions, without social security coverage or health protection<sup>48</sup>.

## ***4. Maternity leave reform. Persisting stereotypes.***

Women's right to work is not adequately reflected in State policies, which is illustrated in measures related to maternity leave. Tunisian legislation has made progress in this regard, as the new law N° 44 of 2024<sup>49</sup> established the right of pregnant women to a 15-day prenatal leave and has extended maternity leave to 3 months, but Tunisia is still abstaining from ratifying ILO Convention N°183/2000<sup>50</sup> which extends maternity leave to at least 14 weeks, with recommendation N° 191 calling to extend it to at least 18 weeks with an indefinite prenatal leave<sup>51</sup>. Even though Tunisian legislation has also extended paternal leave to 7 days, it does not offer the possibility for the father to take over the maternity leave if both parents wish to do so.

<sup>46</sup> ATFD, Domestic Workers in Greater Tunis. Working conditions, the reality of violations and the challenges of decent work. Study by Dr. Zouheir Ben Jannet. Tunis. 2020.

<sup>47</sup> FTDES, "Resilience in the face of conditions: The situation of Berber women and their daily challenges", [in Arabic] 08/03/2024, online: <https://ftdes.net/ar/barbecha->

<sup>48</sup> Webmanagercenter, « Tunisie: Les "Berbechas", oubliés de la société et piliers méconnus de la gestion des Déchets », January 06, 2025, online: <https://www.webmanagercenter.com/2025/01/06/536938/tunisie-les-barbechas-oublies-de-la-societe-et-piliers-meconnus-de-la-gestion-des-dechets/>

<sup>49</sup> Law n° 44 de 2024, relating to maternity and paternity leaves.

<sup>50</sup> Convention N°183/2000 relating to the protection of maternity.

[https://normlex.ilo.org/dyn/nrmlx\\_fr/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](https://normlex.ilo.org/dyn/nrmlx_fr/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183)

<sup>51</sup> Recommendation R191 on maternity protection.

[https://normlex.ilo.org/dyn/nrmlx\\_fr/f?p=1000:12100:::12100:P12100\\_INSTRUMENT\\_ID:312529](https://normlex.ilo.org/dyn/nrmlx_fr/f?p=1000:12100:::12100:P12100_INSTRUMENT_ID:312529)

Although it represents a step forward in establishing parental rights, this law shows deficiency in terms of gender equality. The role of the father is often perceived as secondary. Both the mindset and the culture that mainly value the role of the mother in caring for children persist, which hinders a more egalitarian distribution of family tasks.

### ***5. Feminization of poverty***

The World Economic Forum issued a report ranking 156 countries based on an index called the Global Gender Gap Index. The results for Tunisia are worrying, as it ranks 144<sup>th</sup> in terms of economic participation and opportunity, which witnesses the difficulties encountered by women to access economic life. Moreover, according to this report, the rate of institutions run by women does not exceed 10.4% compared to 89.6% for men<sup>52</sup>.

In terms of employability in Tunisia, the situation is marked by resistance to hiring women, because of their burden of motherhood. Additionally, despite the fact that women represent the majority of labor force in the agriculture sector, women's access to land ownership is still very low. Moreover, our country ranks last with regard to ownership access-according to this ranking-as<sup>53</sup> only 6 % of farming land is owned by women in Tunisia<sup>54</sup>.

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<sup>52</sup> World Economic Forum. Fifth report. 5th report.2021 <http://www3.weforum.org/docs/WEF>

<sup>53</sup> FTDES, inequalities in Tunisia, Tunis. 2022, online:<https://ftdes.net/etude-les-inegalites-en-tunisie/>

<sup>54</sup> FAO Land and Gender Database:<https://mel.cgiar.org/reporting/download/hash/8ae872ea8dd70bc6094eb0624bbb9c72>

**RECOMMENDATIONS RELATED TO WOMEN AND LABOR**

**Strategic Objective A.1.** of the Beijing Platform for Action calls for the review, adoption and implementation of macro-economic policies and development strategies in accordance with the needs and efforts of women who live in poverty. As such, we call upon the Tunisian State to:

- Fight inequalities at all levels, namely those directly depriving women from accessing resources, and recognizing them as forms of injustice contrary to the principles of equality and to the constitution.
- Strive to reduce regional disparities and end the marginalization of rural areas.
- Provide positive discrimination measures in order to reinforce women's entrepreneurship.
- Reinvest in fundamental health services, education and transport, namely in underprivileged areas, such as rural areas.
- Enforce workers' rights laws against offenders, and deter economic and sexual violence faced by women in the workplace.
- Include female farm workers in formal work, include their profession on identity documents and provide them with adequate social security coverage.
- re-implement legislation on compulsory schooling up till the age of 16, prevent child labor, particularly for rural girls, and recognize their labor as domestic workers as a form of human trafficking.
- Provide vocational training for school dropouts and establish vocational training centers at the regional level;
- Promote the creation of cooperative structures helping women to organize and manage their work environment and conditions.
- Provide positive measures for women who work in high-risk environments in particular in areas impacted by terrorism.
- Reinforce labor control and inspection structures in all fields in particular those related to agriculture work.
- Apply the same criteria for men and women for career development.

**Strategic Objective F.1.** calls for the promotion of women's rights and their independence, namely access to employment, appropriate labor conditions and access to economic resources, which should require the Tunisian State to:

- Give value to reproductive work and recognize its interdependence with productive work, both contributing to social and economic prosperity.
- Enforce equal pay for men and women for equal work in the private sector.
- Furthermore, in compliance with Strategic Objective A.2., the State is also called to:
- Review legislations and administrative practices in order to ensure equal rights to benefit from economic resources and wider access for women to these resources.
- Adopt gender-based budgeting, which will facilitate women's access to the workforce and allow them to benefit from opportunities.
- Ensure better access for more women to leadership and decision-making positions.
- Ratify international conventions on women's rights workers, namely Convention N° 189 on Domestic Workers, N° 190 on violence in the workplace, and Convention N° 183 on maternity protection.

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## CHAPTER V

# WOMEN AND MEDIA

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The provisions of paragraph J § 234 of the Beijing platform establish that « everywhere in the world, the media could participate in much more active way to the promotion of women». However, according to paragraph J §235, « the persistence of sexist stereotypes in the production of private and public communication companies, at the local, national and international level shows that the media are not aware of the different aspects of sex specificity ». In accordance with its commitments to international conventions relative to women's human rights and the Beijing platform, Tunisia adopted organic law N°58/2017 relative to the elimination of violence against women. As one of its four fundamental axes, the prevention of violence against women under article 11 of the law stipulates that « the public and private media raise awareness against the dangers of gender-based violence and about the methods to fight and prevent this violence and ensure training for the personnel working in media to fight violence against women in compliance with professional ethics, human rights, and equality »<sup>55</sup>.

### ***1. Prevention of violence against women. Media coverage of gender-based violence***

Awareness of the dangers of violence was raised by public institutions. Recognizing the need to undertake training and awareness-raising activities in media coverage of gender-based violence, and, by virtue of its role in promoting women's rights and gender equality, CREDIF<sup>56</sup> held several awareness raising workshops on gender-based violence in general and more specifically on digital violence addressed to male and female journalists in 2021 and 2022. These efforts, yet insufficient, prove that the media coverage of gender-based violence in Tunisia is inadequate. In a report published by the Council of Europe in 2022, the time allocated to them in the media does not exceed 1 min and 36 seconds per day, i.e. 1.56% of the daily media programming<sup>57</sup>.

### ***2. The role of the Independent High Authority for Audiovisual Communication (HAICA)***

The High Independent Authority for Audiovisual Communication (HAICA) is an independent audiovisual regulatory body that guarantees freedom of expression and information under Decree-Law N°2011-116.<sup>58</sup> This law stipulates, in Article 15, that one of the principles to be observed is "the consecration of a pluralistic, diversified and balanced audiovisual media landscape ensuring respect for the values of freedom ... and exclusion of gender... discrimination".

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<sup>55</sup> Organic law n° 2017-58 dated August 11, 2017, related to the elimination of violence against women.

<sup>56</sup> The Centre de recherche, de documentation et d'information sur la femme (CREDIF) is a public institution, established by the law dated August 7, 1990 under the guardianship of the Ministry of Women's Affairs.

<sup>57</sup> Council of Europe, Violence against women in the media in the MENA region: Baseline study on the treatment of violence against women in the media in Algeria, Lebanon, Morocco and Tunisia, 2022, page 12. Online:

<https://edoc.coe.int/fr/violence-l-gard-des-femmes/11279-la-violence-envers-les-femmes-dans-les-medias-de-la-region-mena.html>

<sup>58</sup> See, Decree-Law n° 2011-116 dated November 2, 2011 relating to the freedom of audiovisual communication and establishing an Independent High Authority for Audiovisual Communication.

In compliance with this principle, and by virtue of its audiovisual media supervision prerogatives, HAICA has recorded, throughout its work, several violations, namely at the ethical level, and therefore suspended a few programs or enforced financial penalties on radio or television channels. In addition, it published a study on the « Place and Representation of women in Tunisian Television Fictions » which aims to highlight gender-based stereotypes in order to raise awareness among producers, screenwriters and directors of the role of the media in the production of values. HAICA has lost its status as a constitutional authority since the adoption of the Tunisian constitution in 2022. It has encountered other difficulties since 2023, as salaries for all board members were suspended and its supervision and control prerogatives have been put on hold. In fact, it is excluded from its own functions. What the future holds for HAICA and its decisions is uncertain.

### ***3. Regressions. Inefficient laws and decisions. Stereotyped representations of women in media.***

Seven years after the promulgation of law N° 2017-58 on the elimination of violence against women, progress in its enforcement is slow and difficulties in its implementation have emerged. The prevention system (training and awareness) lacks effectiveness. Moreover, preventive measures have not yet been adopted by public or private media or most ministries. According to the Beijing Declaration, paragraph J.235, the persistence of gender stereotypes in the production of private and public communication companies, at the local, national and international levels, shows that the media are not aware of the various aspects of sexospecificity. The Tunisian media is but an example of this phenomenon. Even though the aforementioned Law 58-2017, article 11, prohibits « the advertising and dissemination of materials containing stereotyped images ..., scenes, speech, or acts detrimental to the image of women... » public and private media persist in perpetuating gender stereotypes. Some journalists « reproduce clichés and stereotypes that confine women to the attitudes and social positions of « women as objects », obscuring other more rewarding characteristics ».<sup>59</sup>

Similarly, based on the analysis of five television dramas broadcast in 2015 on Tunisian channels, the main findings of the study published by HAICA showed that in the media field, women still hold a marginal place, and their image is often biased and stereotyped. The representation of women is often conveyed by gender stereotypes such as: « a demonic woman; a woman of easy virtue; a hyperemotional woman, weak, unable to overcome her emotions ». In addition, female characters are largely subjected to insults. The morality and virtue of women is the first target with 54% of insults. The intellectual and mental capacity of women is the second target with 25% of insults that undermine the capacity of women to reason and think (HAICA).<sup>60</sup> In a social and political context marked by populism and conservatism, the media continue to disseminate discourses and incitement to discrimination and violence against women in the absence or even in the marginalization of effective institutional mechanisms for regulation and self-regulation.

<sup>59</sup> Council of Europe, Violence against women in the media in the MENA region: Baseline study on the treatment of violence against women in the media in Algeria, Lebanon, Morocco and Tunisia, 2022.

<sup>60</sup> HAICA, Place and Representation of Women in Fiction, 2020, online: [https://haica.tn/wp-content/uploads/2020/05/Dossier-de-presse-\\_Place-et-repr%C3%A9sentation-des-femmes-dans-les-fictions.pdf](https://haica.tn/wp-content/uploads/2020/05/Dossier-de-presse-_Place-et-repr%C3%A9sentation-des-femmes-dans-les-fictions.pdf)

#### ***4. Place and participation of women in communication and media. Violence against journalists in a context of repression***

According to the provisions of paragraph J § 235 of the Beijing platform, « more women are involved in careers in the communications sector, but few have attained positions at the decision-making level or serve on governing boards or bodies that influence media policy ». In Tunisia, the rate of women journalists who hold a professional card represents 54% of the entire journalistic body, in 2023<sup>61</sup>. Although the number of women journalists exceeds that of male journalists, the representation of women in decision-making positions in the media landscape has not undergone any major changes, according to the Tunisian Journalists' Forum which asserts that inequality persists between women and men. In 2020, women still represented a minority, their representation is estimated at 11%, raising to 15% in 2022, while men still dominate key positions in the media<sup>62</sup>.

Furthermore, women working in the media sector are often victims of work-related violence. According to the latest annual report of the National Union of Tunisian Journalists (SNJT), 210 attacks against women journalists and photojournalists were recorded between 2022 and 2023. The rate of incitement to violence and hatred against male and female journalists has increased in 2023 compared to 2022. More particularly, women journalists were targeted 17 out of 33 cases of incitement, 9 being gender-based<sup>63</sup>, in addition to the repressive constraints on freedom of expression and freedom of the press which have exacerbated the precarity of women journalists.

Despite the fact that journalists are governed by the provisions of decree-law 115-2011 relative to freedom of the press, printing and editing, about twenty journalists are being prosecuted under decree-law N° 54-2022, according to SNJT. Among the women journalists, Chadha Haj Mbarek, who had been arrested since September 2021 under serious charges of conspiracy against the security of the Tunisian State, disturbance of the public order and contempt of the President of the Republic, has been in detention since July 23, 2023, and sentenced to five years in prison.

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<sup>61</sup> According to the most recent statistics, published by the National Union of Tunisian Journalists (SNJT). Annual report, 2023, Tunis.

<sup>62</sup> Mohsen Tlili. "Women are still the minority in decision-making positions", Tunisie Numérique, 2023. Online: <https://www.tunisienumerique.com/medias-les-femmes-sont-toujours-minoritaires-dans-les-postes-de-decision/>

<sup>63</sup> SNJT. Annual report on the situation of freedom of the press in Tunisia. General Attack Statistics. Tunis May 2023.

<sup>64</sup> Mahdi Jlassi (SNJT). « Vingt procès en cours contre des journalistes ! » Mosaïque FM. 16 May 2023.

## RECOMMENDATIONS RELATED TO WOMEN AND MEDIA

In compliance with **Strategic Objective J.1** which calls for increasing the participation and access of women to expression and decision-making in and through the media and new technologies of communication.

In compliance with **Strategic Objective J.2.** calling for the promotion of a balanced and non-stereotyped portrayal of women in the media, we call on authorities to:

- Guarantee freedom of expression, opinion, publication ... in compliance with the following measure of the Beijing Platform for Action: J.239. (h): « Guarantee media freedom and ensure its protection under national legislation ».
- Fight against gender stereotypes for the promotion of equality between men and women within and through the media.
- Implement public policies focused on prevention, human rights awareness, and the promotion of gender equality.
- Reinforce the capacities of journalists and media professionals through quality continuous training.
- Put in place an independent body, like HAICA to regulate the media scene, to supervise and raise awareness regarding gender-sensitive rules.
- Promote the participation of women journalists in decision-making bodies.
- Establish permanent media monitoring units dedicated to violence against women:
  - Monitoring related to gender stereotype aspects
  - Monitoring related to discriminatory statements and abusive generalizations
  - Monitoring related to incitement to violence and trivialization of violence against women.

These units would contribute to ensuring that quality treatment of violence against women is respected.



The background of the entire page is a repeating pattern of white line-art icons on a purple background. The icons include: a woman with a distressed expression and a hand raised in a 'stop' gesture; a woman being physically pushed or pulled by another person; a woman being punched or slapped; a woman being held back by multiple hands; and various raised fists. The text 'CHAPTER VI' is in a light green color, while 'WOMEN AND VIOLENCE' is in white. Two horizontal green lines are positioned above and below the chapter title.

# CHAPTER VI

# WOMEN AND VIOLENCE

The commitment of the Tunisian State should be in compliance with the provisions of chapter IV entitled « Strategic objectives and measures to be taken" and more specifically paragraph D on violence against women (112 to 130) which considers that « Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. It constitutes a violation of the fundamental rights and freedoms of women and partially or totally prevents them from enjoying these rights and freedoms » (Article 112, paragraph 1).

### ***1. Law on the elimination of violence against women. Progress***

The COVID-19 crisis has had an impact on the whole country and in particular on women<sup>65</sup>. Indeed, violence against them has dramatically increased. The Ministry of Women's Affairs declared that the number of women victims of violence has increased sevenfold during the lockdown period (2019/2020), based on calls received by the ministry's toll-free number. The same observation was confirmed by ATFD<sup>66</sup> and FTDES<sup>67</sup>. The escalation of violence against women was compounded by impunity because of the decision of the High Council of the Judiciary in March 2020 to shut down courts and postpone hearings. This hindered the access of women victims of violence to justice.

Undeniably, the organic law N° 58-2017 relative to the elimination of violence against women<sup>68</sup> represents a four-dimensional achievement, namely prevention, protection, prosecution of aggressors and support of victims. It should also be noted that the State has taken into consideration the proposals made by the civil society regarding its global and inter sectoral vision which is based on coordination and networking between the various institutional stakeholders and in collaboration with the relevant associations. These proposals stem from the importance of multisectoral collaboration, coupled with inclusive participation of all sectors. This has given rise to a framework collective agreement for the comprehensive care for women victims of violence as well as sectoral protocols specific to each ministry involved. Regional coordination bodies have been set up. However, these achievements fall short of the criteria set out in the Beijing Platform for Action and fail to meet the aspirations of combating violence against women. Despite this legal arsenal and these procedures which aim to combat violence against women and provide for their protection and support, failures persist at the level of application.

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<sup>65</sup> Hafidha Chekir, The impact of covid-19 on women's rights in Tunisia and the test of COVID-19, OTTD, Tunis, 2022, p. 118-132

<sup>66</sup> ATFD : <https://atfd-tunisie.org/wp-content/uploads/2022/05/RAPPORT-Les-violences-a%CC%80-lencontre-des-femmes-au-temps-de-la-Covid-19.pdf>

<sup>67</sup> Forum tunisien des droits économiques et sociaux. Annual report, 7 March 2022. <https://ftdes.net/rapports/violences2021.pdf>

<sup>68</sup> Official Gazette of the Republic of Tunisia dated August 15, 2017, p. 2586-2593.

## 2. Perpetuated violence. Increased femicides.

Reality does not seem to be affected by the above-mentioned measures. Indeed, violence against women has invaded all public and private spheres, which is confirmed by statistics. The most drastic form of violence is the one that takes life<sup>69</sup>. Femicide is a gender-based crime<sup>70</sup>. According to statistics collected by feminist and women's NGOs, the number of femicides in Tunisia is as follows<sup>71</sup>: 15 victims in 2022, 27 victims in 2023 and 26 victims in 2024.

This increase of femicide and violence in general is due to legislative and institutional shortcomings and the limits of public policy and relevant action plans, including:

- The silence of the State regarding femicide and disabled women victims of violence.
- The rise in hate speech and discrimination<sup>72</sup>.
- The lack of a prevention strategy.
- The normalization of violence.
- Difficulties in accessing justice<sup>73</sup>.
- The limited application of the law 58-2017 in courts.
- The absence of the gender approach at the level of public policy and plans (finance law, specialized brigades, etc.).
- The lack of financial and human resources for shelter and counseling centers.
- The lack of rehabilitation and compensation for Women victims of violence (WVV).
- The free Initial Medical Certificate is not always guaranteed.
- The operating hours of the specialized units are limited to administrative hours, while most of the assaults take place in the evening and during the weekend.

According to the 2022 national survey on violence against women, presented in 2024 by the INS, 84.7% of women being interviewed said they had been victims of at least one act of violence since the age of 15. The distribution of violence is as follows: Psychological 44.4%, Verbal 26.7%, Sexual 15.6%, Economic 11.4%, Physical 5.3%. The domestic space is where violence is most perpetrated, 41.8% according to the same source. According to data on women victims of violence who called the toll-free number (1889) of the Ministry of the Family, Women and Seniors, 70% of domestic aggressions were recorded from May 26 to June 25, 2024.

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<sup>69</sup> Article 24 of the 2022 Constitution.

<sup>70</sup> ONUDC August 15, 2014.

<sup>71</sup> ATFD, Mock Tribunal on Femicides and Mapping of Femicides, Tunis, 26 November 2023.

<sup>72</sup> Wajih Trabelsi, "Hate speech against women", Cahiers du FTDES, N° 9, November 2023, pp 50-71

<sup>73</sup> Hafidha Chekir, "The Right of Access to Justice in Tunisia", in "Access to Justice in Arab Countries after COVID 19: A Civil Society Perspective", pp 147-170



## **RECOMMENDATIONS RELATED TO WOMEN AND VIOLENCE**

According to **Strategic Objective D.1** on the adoption of concerted measures to prevent and eliminate violence against women, we recommend:

- The effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the relevant recommendations 19 and 35 of the CEDAW Committee.
- The ratification and approval of the two ILO Conventions, C190 of 2019 on Violence and Harassment and C189 of 2011 on Domestic Workers.
- Ratification of the 2011 Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) already signed by Tunisia.
- The implementation of the program for the prevention of violence against women program and the adoption of prevention policies, namely through education.
- Guaranteeing women's access to justice through the revision of the law on legal aid (inclusion of mandatory legal aid in compliance with Law N° 58 of 2017) and the acceleration of the review of protection orders.
- The adoption of implementing legislation in order to guarantee the application of Law 58 and provide adequate financial and human resources.
- The adoption of penal provisions specific to femicide.
- The generalization of specialized units throughout the country and the guarantee of qualified personnel receiving complaints and permanent access to services.
- The transparency of the activity of the National Observatory to Combat Violence against Women and the publication of the research results, namely statistics, data and methods used.
- The implementation of multisectoral coordination structures to ensure quality comprehensive care for WVV.

Regarding **Strategic Objective D2**, relating to the study of the causes and consequences of violence against women and the effectiveness of prevention measures, we urge the authorities to:

- Promote education and culture based on equality, non-discrimination and non-violence,
- Promote research, provide reliable data and compile statistics relating to different forms of violence against women,
- Integrate a gender-based approach into public policies and derived programs,
- Provide special treatment for vulnerable women, namely refugees, women asylum seekers and migrants.

Regarding **Strategic Objective D.3** on the elimination of the trafficking of women and assistance to women victims of violence in relation to prostitution and trafficking, we urge the authorities to:

- Apply relevant international conventions and laws, namely the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, in particular Women and Children**<sup>74</sup>, supplementing the United Nations Convention against Transnational Organized Crime and Law N°2016-61 dated August 3, 2016, relating to the prevention and combating of trafficking in persons and carry out awareness-raising and education campaigns to combat trafficking in women.

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<sup>74</sup> Tunisia ratified this Protocol by law N° 2003-5 dated January 21, 2003, approving the supplementary protocol to the United Nations Convention against Transnational Organized Crime, aimed at preventing, suppressing and punishing trafficking in persons, in particular of women and children. Official Gazette N° 7 of January 24, 2003, p. 195





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# CHAPTER VII

# WOMEN AND CYBER VIOLENCE

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**Point D of the Beijing Platform** about violence against women can be extended to cyber violence, a new form of physical, psychological, sexual, and social violence exacerbated by new technology. This includes cyber bullying, coercive control, non-consensual dissemination of intimate content, and technological manipulation. These acts, often tolerated due to deficient regulation, perpetuate inequalities and limit women's participation in the digital space. It is crucial to integrate cyber violence within this framework by adopting legislative, educational, and technological measures to protect the victims, raise public awareness, and hold digital platforms accountable.

In Tunisia, women, children, and members of the LGBTQI++ community are especially vulnerable to these digital attacks, often fueled by patriarchal, racist, and homophobic dynamics. According to a study by UN Women, 46.7% of Tunisian women have been victims of cyber violence, and among them, 43 % indicated that these attacks happen mainly on Facebook<sup>75</sup>. This emphasizes the urgent need to reinforce legislative measures and assess the effectiveness of existing mechanisms to ensure a safe digital environment.

It should be noted that, in 1995, during the development of the Beijing Platform, digital illiteracy has not yet been identified as an issue. However, the principles of strategic Objectives B.2 (Eliminate female illiteracy) and B.6 (Promote a lifelong learning process for girls and women) remain relevant. These must be expanded to include digital access and digital skills development, which are essential today.

### **1. Legislative measures**

Progress has been made to fight violence against women and cyber violence, namely through the provisions of the 2022 Constitution, which protect privacy, the inviolability of the home, the confidentiality of correspondence, communication, and personal data, in organic law N° 2017-58 dated August 11, 2017, which aims to eradicate violence against women by adopting a global approach and decree-law N° 2022-54 dated September 13, 2022, which governs offenses in relation to the information and communication systems, defining measures to prevent and sanction digital crimes. However, the protection of women against cyber violence remains insufficient in Tunisia.

### **2. Gaps in the protection and prevention of cyber violence**

Several gaps hinder the effectiveness of existing mechanisms:

- The authorities lack resources to deal with the scale of cyber violence cases, which slows down interventions and prevents adequate support for victims:
- Law enforcement officers and judicial professionals lack sufficient training related to the specificities of online gender-based violence, thus compromising the quality of their response.

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<sup>75</sup>هيئة الأمم المتحدة للمرأة، (٢٠٢٠-ماي)، العنف ضد المرأة في الفضاء الرقمي: رؤى من دراسة متعددة الأقطار في الدول العربية، منشورات أونيفام، الرابط [https://arabstates.unwomen.org/sites/default/files/2022-02/Summary\\_Keyfindings\\_Arabic\\_Final\\_2022.pdf](https://arabstates.unwomen.org/sites/default/files/2022-02/Summary_Keyfindings_Arabic_Final_2022.pdf)

- The lack of specialized units providing assistance and follow-up for women victims of cyber violence makes it difficult to access comprehensive legal and psychological support.
- The abusive recourse to Decree-Law N° 54-2022, intended to fight cybercrime, is often misused to create an environment of censorship and repression, limiting freedom of expression, and repressing dissenting voices, such as those of female activists, politicians, and journalists. Thus, based on this decree-law, many women are being prosecuted for publications deemed to be "offensive" or "unpatriotic".

These gaps and abuses continue to undermine the protection of women and restrict their fundamental rights, namely freedom of expression.

**RECOMMENDATIONS RELATED TO WOMEN AND CYBER VIOLENCE**

The State is required to:

- Implement the UN General Assembly resolution on the elimination of violence against women and girls in the digital environment dated November 14, 2024 (A/C.3/79/L.17/Rev.).
- Adopt specific legislation criminalizing all forms of cyber violence and reinforce sanctions, while harmonizing national legislation with international standards.
- Establish secure platforms to anonymously report abuse, supported by legal and psychological services.
- Impose strict standards to platform to protect personal data and moderate violent content.
- Provide training for law enforcement officers and judicial professionals on digital violence and raise awareness among young people to online best practices.
- Promote a national policy against digital illiteracy to ensure the safe use of cyberspace.
- Provide ongoing training for teaching staff on programs specific to cyber violence.

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# **CHAPTER VIII**

# **CLIMATE CHANGE AND ITS IMPACT ON WOMEN**

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As early as 1995, the Beijing Conference Declaration and Action Platform addressed environmental issues in one of the twelve policy areas (point K), emphasizing in paragraph 246 that « poverty and environmental degradation are closely linked. While poverty is the source of certain environmental constraints, abusive/excessive production and consumption patterns, especially in industrialized countries, are the main cause of persistent environmental degradation; this situation is worrying because it aggravates poverty and imbalances.... ».

As such, the objectives set by the Beijing Platform for Action are the following:

- Strategic Objective K.1. Ensures active participation of women in decision-making on the environment at all levels.
- Strategic Objective K.2. Integrate women's needs, concerns, and views into sustainable development policies and programs.
- Strategic Objective K.3. Strengthen or create national, regional, and international mechanisms to assess the impact of development and environmental management policies on women.

The Tunisian State has developed several strategies to address global warming<sup>76</sup>, including a gender and global warming strategy in 2022, integrated the right to the environment into the constitution in article 47, and ratified several conventions, such as the Framework Convention on Climate Change or the Paris Agreement;<sup>77</sup> however, the impact of climate change remains considerable for women, especially vulnerable populations, such as rural women, because of the close ties to natural resources, which can limit their quality of life.<sup>78</sup>

Generally, the effects of climate change increase discrimination against women that is systemic in various sectors, especially at the economic level, where they become visible in deep inequalities in access to employment and decent working conditions and a high unemployment rate. They face greater dangers and a heavier burden than men; they face the impact of natural disasters and become victims of violence and sexual assault, including trafficking.

### ***1. Water scarcity and its impact on women's lives***

Tunisia has been living under the water poverty line due to 28% decline in rainfall and 25% decrease in water reserves since 2016. This has led to water scarcity in many northern regions, which provide 74% of annual income from surface water.<sup>79</sup> In addition, pregnant and breastfeeding women are the most vulnerable to food insecurity resulting from climate change. Drinking water with a higher salt amount due to rising sea levels can cause premature births and deaths in mothers and newborns. In addition, these risks affect women who farm the land or depend on ecosystems to provide for their families.

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<sup>76</sup> SNational Strategy on climate change (SNCC): Adopted in 2012 Local Adaptation Projects, National Strategy for Environmental Transition (SNTE) Horizon 2035-2050 National Strategy for Sustainable Development (SNDD) 2015-2020 Carbon Neutral and Resilient Development Strategy National Strategy on Environment Protection post-2020:

<sup>77</sup> Law n° 93-46 dated 3 May 1993, for the ratification of the United Nations Framework Convention on climate change,

<sup>78</sup> ATFD, Survey on the working conditions of women in rural environment, Tunis, 2014.

<sup>79</sup> In 2023, prolonged drought led to a 30% decline in agricultural yield, further increasing difficulties for these women.

## ***2. Women in rural environments and oases face multiple forms of discrimination***

Both COVID-19 and climate change in Tunisia have affected the agricultural sector and increased the vulnerability of women workers, reducing their access to work opportunities. In rural areas and oases, women workers are still victims of a sexist mentality that perpetuates gender-based roles and confines women to the role of breeders and nurturers, while they are actually the ones providing food security since they do all the household chores and the work in the fields or the palm groves, sometimes without being paid or granted any value. In addition, they are compelled to perform high-risk work which can expose them to the risk of dangerous and chronic diseases.

## ***3. Fires and their impact on women's livelihoods***

Forests located in the northwest, the center, and northeast of Tunisia represent the main source of livelihood for women, where the female workforce is in high demand. Nonetheless, women are paid less despite higher performance. The degradation of these forests caused by fires and intensive deforestation jeopardizes the survival of the population in general and women in particular. This also endangers the forest's biodiversity and threatens the whole environment<sup>80</sup>.

## ***4. Marine Pollution and threats to the work of women***

Most women living in the areas surrounding the Gulf of Gabes (southwest Tunisia), who fish and collect clams, face an unprecedented environmental and socio-economic crisis. This activity is their main source of livelihood and is practiced for about 70 days per year. Because of the deterioration of the marine ecosystem, which has become worrying, these women face difficult working conditions with serious effects on their health (cancers, joint diseases, rheumatism, asthma, back pain, etc.).

## ***5. Women's health: Vulnerability of women in contact with chemicals and phytosanitary products***

The exposure of women working in the agricultural, textile, or waste collection sectors to pesticides leads to serious illnesses, both short and long-term: acute poisoning, respiratory and dermatological diseases, endocrine diseases, fertility disorders, birth defects, and certain types of cancer. In agri-food factories, chemicals such as additives, preservatives, etc. endanger the health of female workers. In addition, their working conditions are particularly harsh, with exposure to cleaning chemicals, food additives, and preservatives which can lead to allergic reactions, respiratory disorders, and other health issues. Similarly, in textile factories, female workers handle dyes, solvents, and other chemicals used in textile manufacturing. These substances are highly dangerous and represent a threat to women's health. If handled inappropriately, they can cause skin irritations, respiratory difficulties, and even serious poisoning.

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<sup>80</sup> <https://www.environnement.gov.tn/tunisie-environnement/la-diversite-biologique/presentation-generale-de-la-biodiversite-en-tunisie>

Women working in these sectors often face environmental and climate vulnerabilities, precarious working conditions, and long working hours for low wages, which makes them even more vulnerable to health risks associated with their working environment. In addition to these working conditions which threaten their lives, they have limited access to public healthcare, which can worsen these conditions, and leave them vulnerable and without sufficient resources to get assistance. These two factors can have a significant impact on women's mental and physical health, putting them at higher risk of disease, exhaustion, and stress.

**RECOMMENDATIONS RELATED TO CLIMATE CHANGE AND ITS IMPACT ON WOMEN IN TUNISIA**

In light of these realities, it is urgent that Tunisia move from words to action. Strategies must be translated into practical measures with adequate funding and effective implementation. It is time to apply the commitments so that Tunisian women could live in a more fair and egalitarian society. Among the priorities: the implementation of climate change adaptation programs specifically targeting rural women, the improvement of access to education, and fighting school dropout of girls.

**In compliance with the strategic objective mentioned above,** we urge the State to:

- Develop gender-based economic and environmental plans and projects adapted to the new living conditions dictated by the impact of global warming.
- Involve women at the decision-making level in the fight against global warming, particularly women farmers and fishers, to develop agricultural policies in light of the climate crisis.
- Conduct effective consultation with populations living in rural areas and oases, including women, for the adoption of gender-based economic plans and projects with an environmental, social, and economic approach.
- Provide social protection for women agricultural workers and those working in oases to grant access to healthcare, insurance, and safe transport.
- Develop a participative national strategy that guarantees gender-sensitive food sovereignty: preserve local seeds, opt for cereal and fodder crops, and ban agri-food products, intended for export, that deplete our water reserves
- Adopt a fair policy to guarantee the right to water in quantity and quality, both in urban and rural areas.
- Set up education and awareness programs for all women on protecting the environment and strengthen knowledge on the effects of global warming on women and for an eco-responsible approach to consumption.
- Involve rural populations living in oases, both men and women, who face drought and yet have a zero-carbon footprint, in choosing a sustainable agricultural model that does not deplete water resources.
- Support women's economic development by funding them to start projects that value local products and organic production.
- Reinforce pollution control and create a special fund to fight climate change effects, sanction and levy a tax on polluting industries that tend to be eco-unfriendly and violating women's human rights (textile factories, agribusiness factories, etc.).
- Promote studies and scientific research on the specific impact of climate change on women.
- Provide positive action measures for women working in polluted areas.

The background is a solid light purple color with a repeating pattern of small, white line-art icons. These icons include globes, people with suitcases, people with shopping carts, and circular arrows, symbolizing themes of migration, travel, and women's economic participation.

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# **CHAPTER IX**

# **WOMEN**

# **AND MIGRATION**

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**Point 137 of the Beijing Platform for Action**, in section E (Women and armed conflict), points out the resilience of women refugees, migrants, and displaced persons, who can represent assets for host countries or countries of origin. It also highlights the importance of their participation in decision-making processes relevant to them. Similarly, **point 116**, in Section D (violence towards women), identifies women from minority communities, from vulnerable populations, or living in isolated areas as being particularly exposed to multiple forms of violence.

Tunisia is undergoing a complex phase, marked by the rise of populist and conspiracy-theory-based narratives exacerbating social and ethnic division, mainly towards sub-Saharan women and men migrants. These attitudes originate from the international context and especially the policy of externalization of migration and asylum, set by the right and far-right in power within the EU. Tunisia has become, over the years, a transit country to Europe and has seen an increase in the number of migrants as a result of armed conflict and climate change in Africa, which pushes more and more people to escape to countries, including Tunisia. The management of this migration crisis by Tunisia has raised many questions mainly regarding the treatment of men and women migrants and their living conditions.

It should be noted that the Tunisian national legal framework is based on constitutional principles aimed at protecting all women, without any distinction, against violence and discrimination. The Tunisian Constitution of 2022 guarantees equal rights and access to healthcare for all persons. Both Law n°58 of 2017 against gender-based violence and law n°2016-61 on human trafficking offer specific protection for migrant women. Furthermore, organic law n°2018-50 on the elimination of racial discrimination offers protection against inequalities linked to race, including for migrant women.

However, it should also be noted that Tunisia does not recognize the rights of migrant men and women, has not promulgated any laws regulating asylum and guaranteed by the Constitution, and has not yet ratified international conventions related to migration such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Migration for Employment Convention (Revised), 1949 (n° 97) and the Migrant Workers (Supplementary Provisions) Convention, (n° 143) ILO 1975. On the other hand, its law on irregular migration is one of the most repressive, adopted in 2004<sup>81</sup>, and a restrictive law regarding the residence of foreigners, the 1968 law regulating the situation of foreigners in Tunisia<sup>82</sup>.

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<sup>81</sup> Law n°2004-06 dated 3 February 2004 modifying law n°75-40 dated May 14, 1975, on passports and travel documents, Official Gazette N°11 dated December 6, 2004, p. 252 et 253

<sup>82</sup> Law n°68-7 dated March 8, 1968, Official Gazette n°11 of 8 March 1968.

## **1. Violence and discrimination against migrant women**

Migrant women, documented or undocumented, face physical, psychological, and sexual violence, as well as economic abuse in precarious conditions. In 2020, the UNFPA documented the violence experienced by over 200 migrant women, revealing the severity of their situation<sup>83</sup>. A study by « France Terre d'Asile » showed that 78% of sub-Saharan migrant women surveyed in Tunis had been attacked or scammed<sup>84</sup>. In addition, a survey by UN Women revealed that 61% of migrant women were more vulnerable to domestic violence during the pandemic and 42% to sexual abuse, due to the restrictions imposed by COVID-19<sup>85</sup>.

## **2. Impact of the pandemic on the living conditions of migrant women**

The pandemic increased the economic vulnerability of many migrant women working mainly in informal jobs. The pandemic reinforced their isolation and the fear of deportation, increasing their vulnerability. In February 2023, political discourse describing sub-Saharan migration a "demographic conspiracy", exacerbated a climate of racial hatred, aggravating the situation of migrant women, already weakened by their irregular situation. This populist rhetoric fueled racial violence and discrimination and reinforced repression against them. Collaboration between Tunisian authorities and the Italian Prime Minister consolidated repressive migratory policies, especially to limit illegal boat crossing of the Mediterranean. This partnership intensified pressure on Tunisian authorities to tighten migration controls and restrict departures to Europe. This not only aggravated violence against migrant women but also facilitated their exploitation by criminal networks.

In addition to the difficult situation of migrants which requires help and assistance, several people who helped them have been prosecuted, being blamed for providing assistance to irregular sub-Saharan migrants. Saadia Mosbah, chairwoman of an anti-racist association (M'nemty) and Sherifa Riahi, the former administrative manager for Tunisie-Terre d'Asile are under preventive detention. They are being prosecuted, without evidence, for money laundering based on the law relative to money laundering and financing terrorism<sup>86</sup>.

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<sup>83</sup> UNFPA, Violence that migrates with women: Qualitative exploratory study on violence against migrant women and girls in Tunisia, Tunis, 2020, Web link: [https://tunisia.unfpa.org/sites/default/files/pub-pdf/les\\_violences\\_qui\\_migrent\\_avec\\_les\\_femmes.pdf](https://tunisia.unfpa.org/sites/default/files/pub-pdf/les_violences_qui_migrent_avec_les_femmes.pdf)

<sup>84</sup> FTDES. Report on the migration of Tunisian women to Italy and their challenges. Tunis.2020.

<sup>85</sup> UN WOMEN, The Ghost Pandemic: violence against women during COVID-19, Web link: <https://www.unwomen.org/fr/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

<sup>86</sup> Organic law n° 2019-9 dated January 23, 2019, amending and completing organic law n° 2015-26 dated August 7, 2015, on money laundering and financing terrorism.

**RECOMMENDATIONS RELATED TO WOMEN AND MIGRATION:**

To protect the rights of migrant women and adopt a public policy for the integration of migrant women, the authorities need to intervene in compliance with:

**Strategic objective E.5.** Provide protection, assistance and training to refugee women, other displaced women who need international protection, and internally displaced women in their own country.

**Strategic objective D.1.,** which calls authorities to take concerted action to prevent and eliminate violence against women.

And **§125. b)** on the provision of linguistically and culturally accessible services for migrant women and girls, including women migrant workers who are victims of gender-based violence; c) Awareness of the vulnerability of migrant women, namely migrant women workers whose legal status in the host country depends on their employers who may take advantage of the situation, to violence and other forms of abuse.

For this purpose, we urge the authorities to:

- Adopt national legislation for asylum to protect the rights of women asylum seekers and internally displaced persons.
- Protect migrants, regularize their status, and recognize their human rights without discrimination based on their geographical origin.
- Protect associations and people who defend migrants.
- Abolish laws criminalizing assistance to migrants and/or restricting the residence of foreigners, including Law 1968.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) to protect migrant workers' rights.
- Ratify the ILO convention N°97 on migration for employment.
- Ratify the African Union 2009 Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Convention de Kampala), which Tunisia had already signed on July 15, 2012, for better protection of internally displaced persons in the country.
- Enable access to information for migrants
- Strengthen access to justice by creating specialized services of legal aid and psychological support for migrant women.
- Ensure access to healthcare, mainly in terms of reproductive health and maternity, for all migrant women.
- Establish a one-stop service center to facilitate administrative procedures for migrant women to obtain residence documents.
- Call on police forces to show greater respect for the dignity of migrants;
- Provide care for the children of migrant women and allow them access to healthcare and education regardless of status.
- Provide comprehensive care for women refugees and displaced women.





