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**About ICAN:** Formed in 2006, the International Civil Society Action Network (ICAN) aims to strengthen women's participation and influence in conflict prevention, social justice, coexistence, and peacebuilding efforts, in situations of closed political space and conflict affected states. ICAN's MENA program seeks to elevate the voices and impact of women's civil society groups on issues of rights, security and peace in countries undergoing transitions, affected by rising militarism, and extremism targeting women.

# What the Women Say: The End of the Beginning: Tunisia's Revolution and Fighting for the Future

Brief 2: April 2012

Tunisia marked the first anniversary of its largely peaceful revolution on January 14 2012. It has been a momentous year since spontaneous public uprisings involving women and men, old and young, rural and urban, led to the demise of a dictatorship. In October 2011, the first free and fair parliamentary elections in decades took place.

But the story is not over. The economy is still in shambles and institutions of governance are weak. The security sector will need reform. There are also thorny issues of justice, truth-telling and reconciliation to deal with the past and move forward. Despite the opening of public and political space for activism and civil engagement, women are among the first groups to experience a backlash, largely orchestrated by conservative Islamic groups.

The changes are fast paced. In February the Constituent Assembly (CA) started debating a new constitution. A central question was whether religion would play an influential role in Tunisia's future laws and shaping its ideological and political trajectory. In particular there was concern about the application of Sharia law, which can have profound implications for people's daily lives, especially women and girls<sup>1</sup>. As lawmaker Mabrouka Mbarek stated: "The revolution was triggered because of socioeconomic constraints, not religious values. Freedom of religion is only one facet of their demands."<sup>2</sup> In early March, there were regular news reports of Salafi youth dominating the public space and seeking to assert their vision of Islam. At Manouba University in Tunis they tore down the Tunisian flag replacing it with the black flag of their movement.<sup>3</sup> Some female students who defied them were reportedly kicked in the genitals.<sup>4</sup>

Days later outside of parliament the movement's supporters rallied to demand a Sharia-based constitution. Ennahdha, the leading party officially stated that in the interest of national unity, it would not mention Sharia as a source of legislation in the new constitution, though Article 1 would affirm Tunisia's identity as an Arab state with Islam as the official religion. The move may appease secularists but anger conservative Islamists that want Sharia as the source of law.

<sup>1</sup> *Conservative interpretations of Sharia law have resulted in significant discrimination against women and girls in family/domestic, social, political and economic life in other countries.*

<sup>2</sup> <http://www.tunisia-live.net/2012/02/21/constituent-assembly-debates-arab-muslim-identity-in-tunisian-constitution/>

<sup>3</sup> *The flag has white script* <http://www.huffingtonpost.com/tag/tunisia-manouba-university>

<sup>4</sup> <http://www.lapresse.tn/13032012/46724/amal-attaya-la-tunisienne-agress-ee-au-nom-de-la-religion.html>

The struggle for the identity, soul and future of Tunisia is just beginning. What happens to women now, how they are treated, and what role they play will be critical indications of the direction the country takes. ICAN's first "What the Women Say" Tunisia brief addresses the evolving political landscape, the implications for women, their actions and their requests to international and domestic actors.

## 1. Salafis, Externally Supported and Heavily Financed, Push Regressive Agendas

Tunisia, like its neighbors Libya and Egypt, is witnessing the sudden burgeoning of conservative Islamists, particularly Salafis, as a political force. To many Tunisians they are neither indigenous nor representative of the mass democratic movement that ousted Ben Ali. People believe they are financed by regional actors, such as the Arab Gulf states and Saudi Arabia, and are pushing an ideological agenda that counters Tunisia's more tolerant history. "We ask them 'where were you?! Who are you?!'" says one activist, implying that the Salafis were not part of the popular protests, but now are taking advantage of the open space to assert dominance.

Their hateful rhetoric against minority populations including Jews has shocked many Tunisians, prompting journalists and activists to form organizations to promote tolerance and protect the liberties of Tunisian society. Their attacks on a television station that broadcast the French-Iranian animated feature film, *Persepolis* - a story set during and after the 1979 Iranian revolution and rise of the Islamic Republic of Iran- also signaled the movement's intolerance of free speech.<sup>5</sup>

The Islamists' vision of governance is unclear but if violent incidences are an indication, the extremist forces pose a direct threat to democracy and human rights for all, but especially women.

Despite women's strong showing in the public protests and elections their bodies are becoming the literal battlefield, as Salafis have attacked and insulted them. In universities they are demanding that female students and professors observe strict dress codes and covering.<sup>6</sup> Between November 2011 and January 2012 Salafis demanding that niqab-wearing students be permitted to attend classes, forced the suspension of classes at Manouba University, preventing students from taking exams, and intimidating the Dean. Police intervention ended the impasse.<sup>7</sup> But they were back in March.

### ✱ **Fighting for Freedom, but Shouted Back into the Kitchen**

Tunisians may have despised the Ben Ali regime, but many are proud of their history of secular governance and progressive legislation regarding women in the Arab and Muslim-majority states. It was no surprise that women comprised a large percentage of the peaceful protesters. But when extremist Islamists attacked the first women's rights march, shouting that women should 'go back to the kitchen', it was clear that they had an agenda to marginalize women from the political process. Across the country women persisted. Consequently, the transitional government passed a law mandating political parties to have equal numbers of men and women listed on their ballots. Women activists launched a public campaign, traveling throughout the country to encourage participation in the October 2011 Constituent Assembly (CA) elections.

#### Brief History, Basic Facts about Rights and Equality in Tunisia

- ✱ 1846: First Arab country to abolish slavery
- ✱ 1861: First Arab state to establish a constitution
- ✱ 1956: Independence
- ✱ 1959: Second Arab constitution
- ✱ 1980: Signed and ratified CEDAW with reservations
- ✱ 1980: 20% women MPs
- ✱ 2012: New Constitution is currently being written at the Constituent Assembly
- ✱ Considered to be regional leader in promoting women's rights

<sup>5</sup> Their problem as they stated it was that God appeared in a balloon talking to her. Though it may be that they are afraid of criticism of Islamic rule, this has not been stated anywhere.

<sup>6</sup> The niqab is a full face veil worn in some Muslim countries; it is becoming more prevalent and controversial in Muslim communities across the region and in Europe. It is a relatively new import into Tunisia.

<sup>7</sup> Wiem Melki, "Sit-in at University of Manouba Displaced and Classes Resume," *Tunisia Live*, 6 January 2012, available at: <http://www.tunisia-live.net/2012/01/06/sit-in-at-university-of-manouba-displaced-and-classes-resume/>. Other disruptions at universities have also been reported see: HRW, "Tunisia: Fundamentalists Disrupting College Campuses," December 9, 2011, available at: <http://www.hrw.org/news/2011/12/09/tunisia-fundamentalists-disrupting-college-campuses>.

## 2. Free and Fair Elections, A Watershed but with Limitations

The Ben Ali years eroded public trust in state institutions; nonetheless there was 54 percent turnout for the October elections. Internationally recognized as free and fair, the elections marked a watershed in modern Tunisian history. For the first time in decades, Tunisians had the opportunity to form political parties, set their own agendas, run for office and vote freely.

### \* Ennahdha Won More Seats but only has Support from 20% of the Population.

Ennahdha, the main Islamist Party, came first winning 41.7 percent of the seats in the 217-seat Constituent Assembly. It was not enough for a solid majority. Nonetheless, the success was beyond expectations and due to various factors. First, the new parties were poorly organized. On election day, there were 1570 party lists (see The Elections in Numbers box); many on the progressive end of the spectrum. Lack of time and their failure to consolidate into coalitions led to a diffusion of votes across the party lists.<sup>9</sup> Over 1.3 million ballots were effectively wasted as a result. In fact only 20% of Tunisians supported Ennahdha, so many believe the party does not have the moral legitimacy to impose its ideology on society.

Second, the voting system created an imbalance between regions. To win a seat in Tunis required nearly three times the votes needed for a seat in Medenine in Southeastern Tunisia. Third, many Tunisians recognized Ennahdha as the party of resistance and symbol of victimization. The oppression and torture Islamists endured under both Bourguiba and Ben Ali was never a secret. If Ben Ali's regime was synonymous with corruption, injustice and secularism then for many Tunisians, Ennahdha symbolized anti-corruption, ethics and religious morality and values. Its charity work and support to the poor gave the party name recognition and grassroots organization. During the Ben Ali years, formal political parties were under great scrutiny and unable to develop infrastructure. Ennahdha, while banned, did operate a charitable network and received external financial backing that enabled its survival.

Finally, in economically disadvantaged neighborhoods such as Hai El Tadhoun, Ennahdha enjoyed strong ideological support, evident from the large number of women who choose to veil and bearded men (often a symbol of piety for men). But unspoken social pressure to conform is also a factor in these areas, including for people with secular tendencies.

Nonetheless, since the party did not gain a solid majority in the Assembly, it has been forced into a coalition with the secular parties, Congress of the Republic and Ettakatol. After the elections, many Tunisians hoped the progressive parties would have influence in the Assembly and Ennahdha would temper its positions to win support among the moderate voting population. But incidences of attacks against women and trade unions suggest the rise of repressive political forces. For example, in March 2012 the government licensed the Group for Moderation and Reform (formerly known as the Group for the Promotion of Virtue and Prevention of Vice), whose mission is to promote Islamic behavior and laws, to operate nationwide. "We reject any spectacle that offends Islam and Muslims, any spectacle that opposes the morals of Muslims, especially... in the street or in a public place," said its founder.<sup>10</sup>

## 3. Women Comprise 23% of the CA. Will they Uphold and Protect Women's Rights?

The parity laws resulted in 23 percent women's representation in the CA. Of the 49 women members, 42 are members of Ennahdha. It is still unclear how this will affect laws and future legislation governing women's lives. While the Tunisian ruling elite seems committed to upholding women's rights, the depth of conviction is unclear.

### The Elections in Numbers

- \* 7.5 M eligible voters
- \* 4.5 M actual voters = 54% turnout
- \* 2.68 M ballots counted
- \* 1.37 M ballots discarded/wasted
- \* 1.5 M votes for Ennahdha
- \* 47% Ennahdha seats in the CA
- \* 1570 party lists inc: 710 independent lists, 790 party lists and 79 coalitions
- \* 1 out 5 people supported Ennahdha
- \* 217 seats in the CA
- \* 23% women members of CA
- \* 49 women in total, 42 of them are members of Ennahdha

<sup>9</sup> Gmati Abdelhamid. 23 October 2011, "Les urnes sont belles." In *La Presse*: 5.

<sup>10</sup> <http://af.reuters.com/article/topNews/idAFJ0E82501020120306?feedType=RSS&feedName=topNews&sp=true>

## ✳ Women's Rights Defenders Demand Compliance with International Norms

Women's protests prompted the transitional government to announce it would lift its reservations on the Convention on Ending Discrimination Against Women (CEDAW). But they failed to specify which reservations would be addressed. Moreover, the transitional government had no power to overturn pre-existing laws. It is the CA's responsibility to tackle these issues.

Recognizing that extremists pose a threat to women's status, rights groups are seeking full compliance with CEDAW and other international human rights norms and conventions in the new constitution. Scholars and activists are demanding that the principle of 'musawat' or gender equality be enshrined in the constitution with regard to all spheres of life including civil and family life, the political, economic, social and cultural realms. Concretely this includes ending discrimination against women in inheritance laws, marriage and guardianship of children, and measures to enable women's equal presence in society and positions of power.

## ✳ Progressive Rhetoric is Contradicted by Regressive Actions

While Salafis have been harassing women, Ennahdha members have also attacked human rights and political activists for protesting. The surge of regressive policy proposals that would severely impact women are alarming. Some groups are aggressively proposing the adoption of polygamy, (to decrease the number of single women in the country), reducing women's legal age of marriage, and condoning 'customary marriages' performed without legal documentation which would reduce single motherhood. The implications of these proposals are concerning. For example, early marriage could result in girls dropping out of secondary and tertiary education, while customary marriages offer no protection to women or their offspring. Political rhetoric and slogans that uphold women's roles as mothers and housewives do not elaborate on whether this includes adopting policies that dissuade or overtly create obstacles for women or worse, penalize women's participation in the workforce.

When pressed, Ennahdha leaders, particularly Rached Ghannouchi has promised not to limit women's presence in the workforce or public space or undermine their status and rights. Yet some extremist groups and some party members have contradicted him. For example on the issue of single mothers, Souad Abd el Rahim, an unveiled woman and top Ennahdha candidate said, "I am ashamed of those who try to make excuses for people who have sinned." Adding, "We cannot work on legitimizing the existence of single mothers in Tunisia. We should preserve our high morals and not wade into issues that are alien to our culture... We cannot reward women or men who deliberately choose to break the law. Illegitimacy is not a choice."

Not surprisingly, women activists and secular citizens are skeptical of Ennahdha's rhetoric. Ennahdha's statements are intentionally vague, they say, aimed at catering to secular and Islamist agendas. Ghannouchi, for example has repeatedly promised that his party "will not force anyone to put on Islamic clothes". Yet he fails to clarify the party's position. If it prefers veiling, it may usher in an era in which unveiled women feel unsafe, and prone to harassment as already experienced. He has also repeatedly pointed to Turkey as a model, without acknowledging that Turkish women's rights defenders consider their country's record far from rosy. Ennahdha's claim to maintain the secular nature of Tunisia in the constitution was welcomed by other parties on March 26th. But opposition groups are still looking for action.

## 4. Women Mobilizing to Stand against Regression of their Status

Historically Tunisia has had a strong, independent and largely secular women's movement. Ben Ali sought to co-opt the gender equality agenda as a sign of progressive politics, so women's rights organizations are at times attacked and accused of being aligned with the dictator. But activists, determined to retain past gains and push forth for genuine equality, are fighting back. The Tunisian Association of Democratic Women (ATFD) and the Association of Tunisian Women for Research and Development (AFTURD) are two leading women's organizations that worked hard to maintain their independence during Ben Ali's years. Newer organizations with younger memberships are emerging. They are addressing a range of key issues including economic empowerment of women and youth, especially in rural and provincial areas.

<sup>11</sup> <http://www.google.com/hostednews/afp/article/ALeqM5jqI0bye1SQSF76ve9gOy069bwd8A?docId=CNG.e41141fcef353bf7f9d23ca1bca75382.8a1>

Religious women are also publicly advocating for women's rights from a religious scholarly perspective. They are pitting themselves directly against a traditionally male-dominated discourse whose interpretation of laws such as the family code was explicitly discriminatory towards women. The works of women such as Amel Grami, Olfa Youssef, Latifa Lakhdhari and Ikbal Gharbi in Tunisia to reinterpret religious text from a progressive perspective is critical to advocating for women's rights in this newly religious political environment.

Women's groups acknowledge Ennahdha's efforts to be reflective of the reality of Tunisian society. But there is concern about the Salafis and extreme forces attempting to convert and alter Tunisia to their own highly conservative ideological vision.

#### ✳ If 50% are Excluded, Poverty and Social Ill will Prevail with Implications for Europe

Marginalizing women from political decision-making and the workforce is an early indication of the democratic process faltering. Without strong democratic institutions, the country's economy will continue to flounder. Most Tunisian women consider work as essential to their lives. Their exclusion would result in higher unemployment and poverty, compounding already complex social problems. Moreover, the rate of single, divorced and/or widowed women with dependents is higher than of men in Tunisia. If Islamist extremism forces women into wearing the hijab or niqab in public, losing jobs or access to reproductive healthcare, the result could be a massive outflow of Tunisian women from their country of birth to Europe.

The Tunisian revolution was ignited by a basic demand for dignity, citizenship and democracy. If it results in another authoritarian state governing the minutiae of the lives of men and women, the crisis will not subside. The implications will be felt across the region and beyond.

## Recommendations:

### To International Policymakers – Bilateral, Multilateral Actors and INGOs:

1. Closely monitor the constitution drafting process in Tunisia with a view to ensuring that women are accorded equal rights and protections and preventing regressive measures passed into law, such as having religious code as the only source of legislation; Remember that Tunisia is a signatory to CEDAW; it has a long secular tradition and that respect for human rights including women's rights is integral to Tunisian culture and tradition.
2. Invite delegations of Tunisian women's rights defenders to international events pertaining to Tunisia and those addressing political, economic and security developments in the region. Provide them with opportunities to share their perspectives.
3. Invest in civil society efforts that sensitize Tunisian women to political developments, promote their participation in politics as voters and candidates, and build their knowledge and confidence to engage in all issues of national concern (ranging from security, justice and rule of law to social, economic, foreign affairs and other matters).
4. Invest in Tunisia's economy, through special direct programs of economic empowerment for youth and women and expanding the economic base; support and develop programs that integrate peace-building and core human rights values together with empowerment, employment generation and training programs for women and youth.
5. Reach out and ensure structured inclusion of women and youth across Tunisia, particularly in rural areas, where international socio-economic assistance is being planned or supported.

## To the Tunisian Government:

1. Remember that the revolution sought to restore dignity and rights to the people and bring a system of governance that is transparent and accountable; immediately adopt and enforce policies that protect basic freedoms of expression and guarantee personal rights including those of women and minorities; protect the universal rights and freedoms of current and future generations of Tunisian men and women in the constitution, by integrating international human rights laws including CEDAW into the new draft.
2. Ensure accountability and transparency in financial matters and decision-making processes.
3. End impunity for those who commit violence and limit free speech. Take legal action against individuals and groups that threaten and attack women and human rights activists.
4. Revise existing laws to ensure full respect for the freedom of assembly and association. Given Tunisia's history of repression and limitations on civil society, respecting freedom of assembly would be a critical indicator of the government's support for democracy.
5. Initiate a serious and comprehensive strategic economic plan to generate opportunities for rural communities, youth and women.
6. Begin building trust by strengthening democratic structures through a comprehensive, inclusive and transparent security sector reform and transitional justice process.

This brief is available on our website at:  
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