

Tokyo International University

**Tunisian Women during the transition's days  
(2011-2014)**

**Mounira Chapoutot-Remadi  
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It has been said that Tunisia is an atypical country in the Arab world; perhaps its originality lies especially in the precocious and important role of the women in history. Tunisian women had a long past in the path of Women's rights. Nobody could understand the issue of women's rights in Tunisia, if he does not remember our illustrious mythical ancestors always mentioned, always claimed. Elyssa-Dido, the founder Queen of Carthage, La Kahina, the Berber Queen who opposed the Arab conquerors; Jazya al-Hilaliya haired deployed, immortalized in poetry and oral tradition. Each of these heroines is engraved in our memories. Closer to us in time, many others women served as models and stimulate us to always move forward.

Also to better understand the strength of women and their actions, their resistance during the three years of transition, that we hope, toward democracy,

- I, Back to the past, to trace in outline;
- II. Women and Revolution during the crucial year of 2011
- III Crises and Women's fights during the Transition's days( 2012-2014)

**Back to the past : The debate on women is open for more than a century**

We will just recall the main steps

**1. Before the Independence of Tunisia (20<sup>th</sup> March 1956)**

The Women issue is being raised in the mid-nineteenth century. First, the famous historian Ahmad Ibn Abi Dhiyaf(1802-1874) wrote an epistle titled "*Risala fi al-Mar'a*, Epistle about the Woman"(1856) where he raised the question of the place of women in Islam but did not propose any solution<sup>1</sup>. Shortly after him, the famous reformer Khayr al-din Basha wrote about women's education in his book "*Aqwam al-masalik li-ma'rifati ahwal al-Mamalik*, *The simplest way to recongnize the situation in the Kingdoms*". Then, near the end of the century, Shaykh Muhammad al-Sanusi defended also the principle of women's education, in his book titled "tafattuq al-akmam, the ripping of the calices"(1897)<sup>2</sup>.

The Thirtees were a turning point with first, a collective book .of Abd al-'Aziz al-Tha'alibi, César Benattar and Hedi Sebaï on "The liberal spirit of the Koran" and then, the fundamental book of Tahar al-Haddad, "*Our woman in the Shari'a and the Society*"<sup>3</sup>.

All these publications advocate the education of women and the abolition of the veil. Of

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<sup>1</sup> Chennoufi

<sup>2</sup> ibid

<sup>3</sup> Many thesis are published about him and his book. His tomb was profaned

course, the reaction of the Zaytuna's shaykhs was very strong and Tahar al-Haddad particularly attacked but the situation changed. And may be the French Protectorate had also its role in the evolution because the debate was raised about modernity, education, openness to the world.

*Leila*, a Tunisian women's magazine written in French language, was published on December, 1936. It is social, literary and artistic which concerned women who "break the wall of separation, "***break the glass ceiling***," throw the veil and speak in public". It was engaged to defend the Tunisian woman and her social and intellectual evolution against the olds and unjustifiable traditions"<sup>4</sup>.

"In this same year, the first women's association is founded : "it is the Muslim Union of Tunisian Women".

I am Elyssa Dido who founded Carthage in the ninth century BC

I am Santa Perpetua from Tébourba, the first woman writer of the third century

I am Kahena who faced the conquerors from Arabia in the seventh century

I Aroua from Qayrawan who imposed monogamy to the husband who came from a polygamous East in the ninth century

I Sayyida Aisha al-Mannubiya who snatched her freedom from retrograde patriarchy to live freely spirituality and assist in theology curses of Abu al-Hasan al-Shadhili in the thirteenth century

I am Aziza Uthmana princess muradiyya who made pious donations to build the Hospital Aziza Othmana, o free the slaves and help the poor in the seventeenth century

I Am the militant against French Colonization Bchira Ben Mrad (1913-1993) the militant against French Colonization, with Nabiha Ben Miled, (1919-2009), Tawhida Ben Cheikh who became, in 1934, the first woman doctor and who was honored after her death by the Town-Hall of Paris with the creation of a medical center at Montreuil named "Medical Center Tawhida Ben Cheikh."

I am Habiba Menchari who claimed publicly the abolition of the veil during a conférence at Tunis in 1924, and immediately, she removed her veil and bared her face.

I am all these women and many others who cried during three thousand years no submission!"<sup>5</sup>

So, from the middle of the 19<sup>th</sup> century, writers, historians, scholars discussed, wrote, about the problem of education and women's empowerment. All these movements, publications, papers, books and debates, explained and prepared the big changes which came onwards.

## **2. The "State Feminism" (1956-2011)**

After the Independence, Two very different presidents were the leading makers of Women's rights, President Habib Bourguiba then President Zayn al-Abidin Ben Ali. So, we speak of "State feminism" because all the rights have been given "top-down to the women".

*The Bourguibian measures:*

First, President Habib Bourguiba had a wonderful project which is named "the Personal Status Code" issued in August 13, 1956, four months after the Independence(March 20<sup>th</sup>) and one year before the proclamation of the Republic ( July 25, 1957). This code was truly revolutionary and is still unique in the Muslim world. We celebrate each year in Tunisia this code as the Woman's day festival and of course, we don't lack to commemorate International Women's day on March, 8. It abolished polygamy, the repudiation is replaced by the divorce; the matrimonial tutor no more necessary for marriage ; The financial participation of the woman to the family charges ; if the husband died, the wife become chief of the family and tutor of their children. Civil marriage was established from March 1958 .the minimum age at marriage is 15 years for girls and 18 for boys,

4 Lagueche, Dalenda, 2007,

5 Bessis, Sophie, 2012

and then increased by two years for girls and boys.

Many others civil rights were decreed:

The right to work, to move, to open a banking account, to create firm, society...

The veil was forbidden in the schools (January 10, 1957)

the right to vote and stand in all elective bodies (June 11<sup>th</sup> 1956)

The school for all free and compulsory; boys and girls are enrolled in the same schools, and 30% of the State Budget allocated to education.

In 1962, The family planning was initiated and promoted contraception. Given free contraceptives, abortion allowed for any woman who had already four children (July 1<sup>st</sup>, 1965). Ten years before The French Law Veil (January 17, 1975). The family allowances were limited to 4 children. During the last time of Bourguiba's regime, these allowances were limited to 3 children.

Bourguiba created also, the first feminine association whose acronym is in French UNFT: National Union of Tunisian Women in January 1956. The first women who join the UNFT were activists of Independence and had all strong links with the Party of Bourguiba, the Neo-Destour. This association has maintained throughout its history close relations with the ruling party. During the fifty years of the Independence, It was very close to the government and Party State and served as a mean of propaganda.

*Ben Ali and the Women:*

In the first time Ben Ali tried to move closer the Islamists and took a series of measures such as the suspension of radio and television broadcasts by the calls to prayer. But, after the elections of 1989 and the breaking with the Islamists, President Ben Ali decided to continue and even reinforce the feminist politic of his predecessor. In the same time, he looked after the image of a person who emphasize the islamic personality of Tunisia;

The turning point of his policy began to change and he took especially measures to protect the women, new rights and strengthened some other ones in 1993 :

The mother had to agree the marriage of her daughter under age.

In case of failure of the father, the guardianship of minor children is awarded to the mother  
Harmonization of the minimum age of marriage at 18 years for men and women

The future spouses have the right to choose to get married under the separate property of either the community property acquired after marriage

2004 criminalization of sexual harassment

2010, The mother may, like the father, give her nationality to her children even born abroad.

*The others creations played a very important role in Tunisia :*

\*1991, Foundation of the Credif, which is an important Center of Researches Studies Documentation and Information about the Woman. This center is very important. It is subordinate to the Minister of the Woman and the Family and it is very active about the main questions linked with Women. Many studies and conferences are organized in this center and annual prizes are given to the women who publish book in several matters.

\*1992, The Tunisian Association of Mothers, ATM was created

\*1994, Foundation of CAWTAR, the Center of Arab Woman for Training and Research which is a Non Governmental Organization ; it work in 22 Arab Countries and help the local feminist associations to strengthen gender social concept and defend women's rights.

However, all these laws and measures granted to women from 1956 to 2010 does not devote full equality between man and woman and the most important point is that of inequality in inheritance. Despite shortcomings, Tunisian legislation in favor of women is exceptional compared to the rest of the Arab and Muslim world.

### **3. The development of non-governmental feminism**

The late Bourguiba's years were dark and full of dangers. After the takeover of Zayn al-

'Abidin Ben Ali in 1987, many Islamists began to whisper about a possible removal of these gains. Immediately, the women responded by demonstrating one hand and founding in 1989 two new women's associations, the Association of Tunisian Women for Research and Development which is a subsidiary of the Association of African Women (AFARD) and its French acronym is AFTURD<sup>6</sup>. The second association is the Tunisian Association of Democratic Women whose French acronym is ATFD.

\*So the first point is that the danger stimulates women to organize and to defend themselves. The crisis showed that a number of women were aware of the importance of their achievements and they wanted to defend them against the Conservatives.

These associations realized several things during the 23 years of the regime of Ben Ali's dictatorship despite. They made contacts with other North African and Arab Women's associations. Sure, Arab and Muslim women have a number of common problems! Several meetings were organized by the feminist associations across the Maghreb. Joint reflections have grown and several programs were conducted. Thus was created "Maghreb-Equality Group 95/Collectif Maghreb-Egalité 95". It is member of the Euro-Mediterranean Human Rights Network. It coordinate the actions for the big meeting in Beijing (1995) and they presented three important reports which were:

- The Hundred measures for equality in the Family
- The white book about reserves "women without reserves"
- Evaluation economic and social about the situation of the women in the three countries

They prepared a big study about the problem of equality in inheritance and created a listening-center for the women victim of violence.

*Contemporary creations in Algeria and Morocco*

We must observe that the feminist's movements appeared nearly in the same time in the three countries even if that was not for the reasons. The year 1989 was fundamental for the three countries. For Algeria we can speak than the special event was October 1988 then the civil war and the assassination of women during the hard years 1991-1993. Malika Remaoun, an Algerian feminist researcher wrote about what she named a plentiful of feminist associations<sup>7</sup>. Among more than forty ones, the foundation of the Algerian Union of Democrats Women on 1993 (its acronym in French is RAFD) which seem very linked with the Tunisian Association of Democrats Women.

The Moroccan women's movement<sup>8</sup> was boosted by many writings during the years 1980-1990 and especially those of Fatima Mernissi. We must remember that she was the first to gain an international audience. Among the Moroccan feminist associations one of them is Democratic Association of Morocco Women, (the French acronym is ADFM). As the Tunisian women, the Moroccan celebrates two days the year: the international 8<sup>th</sup> march and the national 10 October. For the Moroccan feminists, the first important victory was the revision of the Family Code, *the Mudawana* on 2004. By this way we can speak about these reforms that they resulted also from a State Feminism<sup>9</sup>, because the King Mohamed VI played an important role to end the debate between feminists and Fundamentalists about the women's rights.

So, like in Algeria and in Tunisia, we observe the same development in the same years and we ought to mention that the United Nations Organization had decreed the years 1974-1984, decade of women and that the CEDAW was proclaimed on 1970 and last but not least, 1989 a big event happened, the fall of Berlin's wall and the end of the Communist bloc. My special purpose is as historian to emphasize the links between local and international events, then the precocious coordination between the Maghrebi feminist's movements.

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6 I was one the founders of this association and was elected as the first vice-president and I worked during three years

7 *Insaniyat* 8, 1999

8 Rabea Naciri, 2006

9 Souad Eddouada and Renata Pepicelli, 2010

If we come back to Tunisia we must note that the regime of Ben Ali kept a close eye on the two associations and repressed especially the members of ATFD, Collectif 95 and the Tunisian League of the Human Rights. Censorship was very fierce; publishing, books and reviews controlled, many associations were forbidden<sup>10</sup> Ben Ali's feminine politic was the alibi and the show-case for the foreigners. The last years of Ben Ali's regime were very difficult because of the growing predaceous behavior of his family. He was ill and his wife thought to succeed him as president. But the worst crises was the revolt of Gafsa, a city of the southwestern mining region on 2008 where the women, wives and mothers of the rebels, paid a heavy tribute. The citizens were ready to explode. Indeed, the medias spoke very much of the role of the social networks but the discontent was very big and more ancient than 2011.

As soon as the first protests, the women were very numerous in the streets to support the revolution of dignity and freedom. They participated in mass to overthrow of Ben Ali. Generally all the intellectual elite was straightly watched and the books and every publications more and more.

## II. Women and Revolution : 17<sup>th</sup> December 2010-23<sup>th</sup> October 2011

It was the spring for all the Tunisians, women and men, young and olds. During the crucial days of the revolution, during this so important month, the women were presents and numerous facing the danger of the police and the repression within the crowd of the protesters, brandishing slogans claiming the fall of the regime like the famous “Dégage”<sup>11</sup>, Go out, “Game over”, “the work is a right you gang of thieves” and so on...The show-cards were in three languages (Arabic, French, English) and no one claimed something in the name of Islam. All the protests were only civil and without any leaders at Tunis in the famous Avenue H. Bourguiba and in all the country, in all the cities, big and small. Tunisians were no more frightened by the dictatorship. After the flight of Ben Ali and his family, quickly, a temporary government was designed according to the Constitution, but it was very difficult to feel a distressing emptiness on 14<sup>th</sup> January evening and during three long days!

Then we felt a huge sense of pride to have overcome this yoke of fear hanging over us for so long 23 years. International media flocked in Tunisia and relayed to the world this great victory won unarmed against a Police State that seemed set to continue indefinitely. Quickly our revolution was named Jasmine revolution. We ought to remember that before us, before Tunisia there were “flowered revolutions” like the Portuguese “Revolution of Eyelets”, and the colored Revolutions like the Rose Revolution of Georgia but Tunisians citizens as me refuse this name<sup>12</sup>, some spoke that they preferred to name it “Revolution of the Cactus”.

A first temporary government was designed in 17 January 2011 but we witnessed the flow of protesters coming from all the regions and gathered in the Kasbah Place six days later against the lasting of the ancient ministers of the fallen regime. So, a second government was formed on January 27<sup>th</sup>. Then a third government was formed few months after on 27 February. An explosion of protests broke out across the country and in all institutions. Everywhere the people were demanding change existing structures. Unfortunately these movements provoked a lot of destructions and installed endemic anarchy. The social demands were very numerous. The big problem that arose was that we did not have a political culture. The policy of the single party for over fifty years had left the Tunisians without political traditions. Few opposition parties existed before January 14 but had little support and few hearing. Everything was to be built, to do.

In this context, the actions of the women took three main forms :

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10 The Tunisian Association of the University Historians (STHU) founded in 1978, was forbidden in 1994 with the motive that our intentions were obscure ! I was also one of the Founders.

11 This word became quickly the same for all the countries of the Arab spring before its translation after then it was decreed “the word of the year”.

12 I published a paper about this name and the dates of Tunisian rising

- One of them was in the street demonstrations and writing petitions collecting thousands of signings.
- The second one was of participating in three institutions which were created after January 14<sup>th</sup> to prepare the transition.
- The third one consisted in the holding of conferences and meetings of all kinds and in various buildings such as hotels, coffee-houses, large Squares, the convention center, the Dome of the Olympic city. Many international personalities visited Tunisia during these moments of enthusiasm and revolutionary fervor. I remember especially the famous French intellectual Stephan Hessel (1917-2013) and his book “Time for Outrage!”<sup>13</sup>

### 1. The street occupations :

The first protest was led by women and men, young and old together in Habib Bourguiba Avenue, on 30<sup>th</sup> January 2011, it met hostility of some men. Their claims were especially “Equality for the women and the regions”.

29<sup>th</sup> March 2011 against discrimination, against regional and social discrimination, poverty and violence

A women’s march on April 23<sup>th</sup> 2011 against violence was organized in the Kasbah Place of the Government.

Many other street occupations were organized against violence at Tunis and in other cities across the country.

I must emphasize especially three of them:

First, the Salafists and the Islamists attacked the Hall Afric'Art where Nadia Elfani's film “No God no Master” was projected on June 26, 2011. A very big protest was organized where the women took a big part against violence, claiming secularity, liberty and secularity on July 8, 2011.

Then another attacks of the same actors against Nessma Channel for the broadcasting of Marjane Satrapi's film “Persepolis”, on October 9, 2011 and against Nabil Karoui's home , the Director of Nessma Channel some days later October 14, 2011. A big demonstration was organized with a slogan “a'taqni, let me free”, and “dawla madaniya, A Secular State” on October 16, 2011.

The most important debate was about equality, parity and secularity.

The fight of the parity began soon. When the Prime Minister rejected this proposition and spoke about “quotas”, we quickly presented a petition signed by thousands of women then we obtained the inscription of alternatives parity in the elections lists on April 11, 2011. Sana Ben Achour wrote about this victory: “The parity is a good behavior's treaty”.

### 2. The feminine’s role in the New Institutions created on Post-Revolution

First three important institutions were created after 14<sup>th</sup> January to prepare the transition:

The High Authority for the Achievement of the Revolution's objectives. It became in fact a kind of small parliament with 42 women out of 173 members. The first Committee was formed to reform the Constitution of 1959 which was modified by Ben Ali to serve his desire to be President for life. But the protesters of the Kasbah Place claimed a National Constituent Assembly so this High Authority prepared the law for future elections.

The National Commission of investigation into Cases of Corruption and Embezzlement had as members, only 2 women out of 11 of the technical committee and no one in the general instance.

The National Committee on Breaches and Violations consisted of 15 members, 9 of which were women and 4 of them are members of the ATFD. These last had a long experience in this specific domain.

These three institutions played a fundamental role in preparing the elections and in creating others Instances like the National Agency for the Reform of Information and Commission

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13 It was sold more than 3,5 million copies worldwide !

(INRIC).

The Advent of many new Feminine Associations began as early as 2011 like the Non Governmental Organization (NGO) “Equality-Parity”, “Women and Dignity”. And even some network civic associations like Lam Echaml, The Tunisian University Forum/FUT, The Citizen Bus which traveled across Tunisia to convince citizens to vote. Our daily activities and fights concerned all the public and political spheres

The other important group was “the Citizen's Initiative/Al-Mubadara al-Wataniya” which appeared in the first days of February and met a very big success with its Citizen's Chart which was very popular and signed by thousand men and women. Another text met an equal success, it was the Dignity Act edited by the PDM, The Democratic Modernist Pole, which offered an equal opportunity act to each citizen.

I am sure that women were more numerous in all the associations, writings, activities, political parties than men but, the patriarchal conservative society are stronger than them. During the 23 years of dictatorship, Tunisians had two main activities, sport competitions and listening all along the days the Arab Satellite's Channels and especially the most reactionaries ones : Al-Arabiya launched by MBC as competitor of Al-Jazeera, Al-Jazeera with its preacher al-Qaradawi, which broadcast Koran, and preach wahabism and attacked all the Arab regime.

Many Citizens wish to break with the Ancient Regime; the fierce repression of the Fundamentalists by President Ben Ali was forwarded to legitimize their demand. They appeared as the only poor victims of the repression sweeping all the others. The forbidden wearing of the veil of the precedent regime was also alleged as a recover freedom.. The Islamists raised a very bad controversy about identity and they asserted that the Arab and Islamic identity had been lost under the republican precedent regimes. They accused the secularists of being atheists and westernized.

The Middle East Monarchies of the Golf and especially Qatar with its al-Jazeera Channel were all the true enemies of democracy liberty and secularity, the true wahabite enemies of the Arab spring. Turkey also tempted to interfere and to sell a “moderate Islam like AKP”. The Medias spoke about an “Ottoman Mediterranean politic of Recep Erdogan, an Ottoman come back. We receive on 2011 many Turks who tried to convince Tunisian about the Turkish model presented as an Islamism soft. All these factors created of a more favorable climate for the Islamists in the first free election on October 23, 2011.

The last factor which played a big role was analphabetism and illiteracy. Literacy skills are essential components of a basic education. Tunisia had instituted a strong rate of education, the school for all and its gratuitousness. We observe a clear movement of scholar desertion from 2011. It's evaluated at more than 100 000 by year. This trend is not the same in all the country. It's stronger in the rural regions and it affect more the female than the men. The causes are varying as, the removal of the school in the campaigns, the lack of formation, the poverty, unemployment which touch female more than men. The deceit when those who were graduates are unemployed. The inequality between the regions made the situation worst. All these factors are a true source of brainwash and explain the displeasure and the rapidity of radicalization of the young.

In spite of the efforts of some intellectuals who were fully aware of the danger to unify the democrats in a big party, in spite of an enthusiastic campaign, the democrats lost the elections. Especially the women, in spite of the parity law, had paid their weak presence in public space and in the political sphere:

3. The elections for a National Constituent Assembly of 23 october 2011 gave :

5502 women candidates

1524 electoral rolls

128 lists headed by women (8, 39%)

66 women out of 217 members were elected in the National Constituent Assembly. 49 of them are Fundamentalists that is to say the majority ! Women represent only 27% of the deputies.

If we compare with the Maghrebi neighbors' we note the same percentage is noted for the

Algerian Popular National Assembly (acronym APN) elected on 2012 : 145 women elected out of 462 seats that 31,38 %. The women at the Moroccan Assembly are 67 out 395 and the percentage is only 17%. The difference is that President ABdelaziz Bouteflika had imposed a quota of about 30% whereas Tunisia and Morocco opted for the alternative parity in the electoral lists.

Before the elections, the Tunisian citizens were very enthusiastic to experiment for the first time of their life a democratic consultation. The next days after were gloomy for the democrats. The Tunisian women feared that their rights would be lost or contested; they understood immediately that their gains would be questioned, challenged by Islamist revenge. They were anxious to maintain their status and to strengthen them. But it was not possible to renounce, it was not possible to admit definitive fail liberty. We need a societal project involving civil society, political parties and intellectuals united to modernize the country to install democracy, to establish justice and equity between men and women and between the regions.

### **Crises and Women Fights on the transition's years (2012-2014)**

The disappointment of the women was enormous and the fear equal but something had changed: Tunisian citizens could no more be silent and submissiveness disappeared also. The first reaction was spontaneous thanks to social networks in some hours thousand women organized a huge meeting where they expressed their disarray, their fear. But the new Islamist deputies and their allies made also many mistakes.

#### 1. The Consequences of the Islamists Victory

A new interim government is formed with 41 members out of only three women; the program was clear. The Islamists had conducted an electoral campaign based about "the Arab and Islamic identity" considered in danger and refused secularity assimilated to atheism.

The new prime Minister Hamadi Jebali and Ennahdha Movement Secretary- General declared at the municipal Theater at Sousse on November 13th : "We are witnessing a historical moment, a divine moment within a new cycle of civilization in the sixth Righteous Caliphate" addressing a crowd of supporters celebrating the Islamist Party's victory. After the big reactions of the opinion, he retracted and claimed that his sentence was "pulled out of context".

First, Ghannouchi spoke about the abrogation the adoption's law, tabanni and to substitute the more canonic "protection/kafala". In the same time, a Nahdhawi's electress caused big indignation when she declared that "the celibate mothers were an infamy in an Arab and Muslim society like Tunisia". The reaction was very strong and she was surnamed "Souad Le Pen"<sup>14</sup>.

The Assembly was elected for a year, the new Interim Government declared that it need more than year, may be two or three years. But the true cleavage between Islamists and Modernists/ 'Almaniyyin was the feminine question; the true fundamental problem was the place and the role of the women in the society. Their agenda is clear; they want to re-shape the society and to impose a conservative law based on the shari'a like in other Arab countries.

#### 2. The Women's body hostage and the National flag endangered!

As the REMDH declared, "After the Revolution, Marginalization the Women's condition go Worsening". In fact, the violence against women began in October 2011 at the Campus of Manouba, in the College of letters and in many other Tunisian Universities across the country. The Salafists invaded the Campus in November 28, 2011, occupied it, barred entry of the office to the dean, tried to prescribe the niqab to the women students and teachers and attend only segregated classes; they claimed also prayers room inside the Campus. They tried to impose by force their law, terrorizing their fellow-students, using physical and verbal violence against teachers especially the women, issuing death threats against the Dean and the teachers. During sixth months, the situation

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14 Le Pen as you know is the leaders' Christian name of the French Extreme-Right Party.

was out of control and “the government let the crisis fester”.

Two niqabed students forced their way into the Dean's Office and began to destroy his papers. He pulls out them from his office and then he was forced to face charges with assault facing 15 days in prison on July 5, 2012. On this date, the charge became “violence committed by an official while carrying out his duties which could result in 5 years prison.

The solidarity and the support with the Dean became bigger and international. We won a planetary audience, and the Dean became a hero of this fight. It takes several aspects like protestors before the Court house at each audience, petitions signed from thousands of supporters Tunisians and foreigners ; Articles on local and international newspapers. The target of this struggle was clearly the women and their body; the Salafists wanted its disappearing from the public space. They won in the popular quarters where they imposed hijab and niqab to nearly all the women but they lost the battle at the Campus because after two years and many delays, the Dean was released and the niqab tolerated only in the courtyard not in the classes and during exams and supervisions.

The summit of the crisis was the Salafist's attempt to take away the National flag and to replace it by their black banner. That's a young student, Khaoula Rashidi who saved the Tunisian flag when a Salafist tried to remove it above the Faculty's front door and to put the black Banner in its place.

Another action was born also in the campus: that is the Salafist's attempt to abrogate the civil marriage and to replace it by the “orfi”/ i.e. customary one which is a common agreement between two persons. A kind of free union but without any obligation nor any rights for the women. The men could conclude many unions of this kind. It is in the same time a danger for the civil legal marriage and a way for the polygamy.

The merchandising of the women's body became clear with the “jihad al-Nikah” promoted by the Salafists to help their brothers in jihad in Syria, sending them Tunisian women for the “repos du guerrier”, “the warrior rest” fighting for the sake of Islam !

They invited very controversial Arab preachers from the Orient, like the Egyptian Wajdi Ghunaym who advocated and glorified female genital mutilation (FGM) or female circumcision and other religious practices. He gave many lectures at Tunis, Sousse, Mahdia and Hammamet in the big Olympic dome/the Qubba and in different mosques of these cities on February, 11<sup>th</sup> to 14<sup>th</sup> 2012. The Troika was endangering the long Tunisian's attachment to modernity from 1956 !

This entire program, all this turmoil has a clear goal. They attacked a certain Tunisian way of life, and tried by force to change Tunisia and “to islamise” the Tunisians they esteemed that they are Unbelievers’ ”kuffar”; in fact they tried to impose wahabism .

Another big episode was the case of the young women allegedly raped by two policemen and who faced prosecution on September 2012. The Tunisian authorities must drop indecency charges against her, after she had complained that police officers raped her. She could be imprisoned up to six months for “intentional indecent behavior”. The police officers claimed that they were found her with his fiancé in “immoral position” in public space at Tunis. “It was an insidious attempt to discredit a rape victim and protect those she accused to raped her”.

She and his fiancé were very courageous to face the police. All the Tunisian women ‘associations, Amnesty International, The League of Human Rights, ATFD, AFTURD, The Coalitions of the Tunisian Women and many other national and international NGOs, the world newspapers supported wrote about her but this affair is not finished. Even the big Avaaz.org launched a huge international petition, October 11, 2012 which was signed by thousands and thousands persons in the world. She published a book “Guilty of being raped” in French under a pseudonym with the help of Ava Jamshid.<sup>15</sup>

### 3. Women engaged in several civic and gender actions

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15 We do remember that in March 2012, The young Moroccan woman, who had 16 years old and was raped. She killed herself after being forced to marry her rapist. Moroccan angry demanded a change to the Islamic Penal Code ( Mudawana). Unhappily the law doesn't change until today because the Prime Moroccan Minister blocked it

**A civil society was born** and was decided to fight for liberty and especially the women. The feminists organized many other actions and their fights were always oriented to promote gender equality to strengthen their rights. That is the only solutions for social peace, liberty and democracy. Street actions and frequent sit in before the Constitution Hall at The Bardo square and in across the country occurred. Revolts didn't finish.

Civil society is a guarantor of Tunisia's openness. Before 2011, the number of national organizations was about 9000 but they were not free to act independently. After the fall of Ben Ali, the number of registration grew very quickly. The new law of september 2011 encouraged the formation of associations and their number exploded: some numbers show this phenomenon.

January 14, 2011 9343

2011- 2012, 1939

2012-2013 3228

Total: 14510

In two years, the growth was of 64% and in sixth weeks on 2013, 1066 new associations were created. They covered all the territory even if they are more numerous at Tunis. Near 700 are classified as feminine having gender and women's right interest and they are not only in Tunisi but in many others Tunisian town and regions<sup>16</sup>. This number could be interpreted itself as a sign of freedom. Tunisians feel that they can make all they want and may be they prefer to work in an association than in a Party. Some of them constitute a network of fifteen ones and under the name "Coalition of Tunisian Women". They were involved in mobilizing Tunisians to protest, to claim, to defend their rights, also to vote. "The Tunisian League of Women Voters" try to encourage and promote the vote of the entire Tunisian citizen. With others associations, they organized on-going meetings and protests against violence, and also to defend their rights in the new constitution. ATFD was awarded The Simone De Beauvoir prize for the role it played in defending women's rights and liberties during the uprising.

The fight against violence took many kind of protests and actions like street protests, international conference organized by the CREDIF about "the violence against women with the collaboration of the United Nations Entity for Gender Equality and the Empowerment of women, against sexual violence. From November 23 to December 10, 2012, 16 days of a punch campaign was led with video-clip broadcasted on Tunisian channels then creations of two Centers: a Counseling center for battered women and a Home and Shelter for women victim of violence. Many flyers, posters were hanged in many places. Several NGO, international and national associations especially ATFD and the Coalition for Tunisian Women participate to this campaign.

A friend, Mrs Emna Mnif who preside the association "Kolna Tounes/We are all Tunisia", made a very large tour across the country and interviewed and filmed "1001 Tunisian speak about their violence". This documentary film is very hard to look.

Unhappily, the violence does not stop by the virtue of these actions and measures because it is multiform and it's difficult to stop. Even today we deplore many assaults many agressions especially against women from the men, from the police, from the extremists. We must be watchful and inform about it and induce women to speak about, like the slogan "I see, I hear, I speak".

Another program was also launched about "equality in gender" another one about the role and the place of women in the media

#### 4. The murder of two politician opposants and its consequences

The violence grew more and more. The peak of violence was reached when attacks and murders were perpetrated. Two deputies were murdered, the first Chokri Belaïd on February 6, 2013, then Mohamed Brahmi on July 25, 2013, the commemoration's of the Republic Day.

In fact, Lotfi Naqh a member of Nidaa Tounes Party at Tataouine was lynched October 18, 2012 and Muhammad Belmufti died at Gafsa died by a Lachrymo bomb pulled by the Police

against a protest on July 30, 2013 were also victim of the situation

Chokri Belaid is shot dead outside his home at Tunis. He was shot by a man who later fled. His assassination promptly protests in all the towns and regions around the country. He was a Tunisian lawyer and an opposition leader with the far-left secular Democratic Patriots' Movement which was part of Popular Front. The crowd of protesters was huge in the streets of the Capital. Men and women mourned and some cried and claimed the fall of the Government. Prime Minister Hamadi Jebali announced his plan to dissolve the Government and to form a National Unity Government but Ennahdha His funeral service performed on February 8, was attended by at least a million people.

Mohamed Brahmi another opposition leader of "People Movement" a socialist and secularist Party, was shot also five months later. On July, 25 the day as Tunisia celebrated the 56<sup>th</sup> anniversary of becoming a republic. Protesters gathered in Tunis and the other cities across the country calling for the government to resign. The same scenario was used with two men on a motorbike. Brahmi led Nationalist Movement of the People Party. But Prime Minister condemned his assassination but refused to dissolve the government "creating the vacuum".

Many Tunisian complained that the revolution was civil and their quest for secular democracy hijacked by intolerant and radical Islamists. Large crowds gathered as the first time, in front of a Ministry Of Interior in protest at the killing.

This second assassination led the country to a very dangerous situation. It opened a political crisis and popular protests. The angry was on a top. The democratic Parties left the NCA and during a period from July 25 to October 23, the social climate was very difficult. People flocked in the thousands to protest. A big sit-in with occupation of the Bardo square facing the NCA hall ask "irhal/Go out" to interim government. The two widows, Basma Khalfaoui-Belaïd and Mbarka Brahmi became the icons of the revolt anti-Ennahdha and against the Troika. The battle for tolerance and peace was near general and very popular.

Then a jihadist attack near the Algerian borders, on Mount Chaambi provoked the death of 9 soldiers on July 29 2013, they were found with their threats cut. Then just a year after according the Lunar Calendar on July 17, 2014 14 soldiers died, 18 wounded and another went missing. This terrorists are members of the Katibat 'Uqba b; Nafi', a branch of AQIM (Al-Qa'ida in the Islamic Maghrib). The emotion reached a peak.

A serial drama of assassinations begun and the Tunisians rejected this situation. Many deputies left the NCA and lived in Bardo square among the crowd of protestors days and nights. Interim government resisted but on February 2014, they left the government and a technocratic one was designated.

The fight against violence and torture is alas a daily one. Even these last days we had a sit in front of Ministry of Interior

#### 5. Women's struggles for their rights

The biggest fear was the abrogation of PCS and her acquired rights. So many actions were led. We choose to evaluate the most important episodes which were, the registration of the CEDAW, the inscription of the women's rights in the Constitution, the parity in the electoral law.

#### a)The Cedaw

The struggle for the adoption of CEDAW is ancient and in the conference of Beijing, the Maghrebi women had presented "the white book of the reserves". But the question was not resolved. The August 16, 2011 decree lifted all reservations except a general declaration that "Tunisia shall not take any organizational or legislative decision in conformity with requirements of this convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution".

Even if the Personal Status Code/CSP give many rights , it still contains discriminatory provisions. Women are denied an equal share of inheritance. Brothers are legally entitled to a double share. The Article 58 of the PSC give judges the discretion to grant custody to either the

mother either the father based on the best interests of the child, but prohibits allowing a mother to have her children if she is remarried. No such restriction applies to fathers.

As this draft decree has been proclaimed by an interim government before the autumnal elections, the women hope that the new legislature should make the review amendment. But after the elections of October 23, 2011, the situation went worsening.

In March 13, 2013 after the international day of women, Ennahdha with CPR and the Islamist Party Wafa, charged against CEDAW. They demanded a referendum for restore polygamy "to fight against celibacy". One deputy of Ennahdha declared that "female circumcision is only an aesthetic operation". They organized a protest with slogans like this which was claimed by veiled women "No CEDAW Yes for The divine law/shar' Allah".

What we want to add are one of the feminist action to popularize the Convention was very original that is a very pedagogic poster written in spoken Arabic, i.e. Tunisian dialect and which was illustrated by a well-known Tunisian caricaturist<sup>17</sup>.

For Algeria and Morocco what we can say that the CEDAW was ratified by the two countries in autumn 2011 nearly in the same dates. But we don't think that a true progress was recorded especially in Algeria and even in Morocco because the Islamist Prime Minister Benkirane is firmly opposed.

#### b)The women struggle of the inscription for their rights in the constitution

The women prepared many documents; organized many protests, the situation was very difficult and doubtful during the years 2012-2013. We try to resume and to mention only the biggest moments and steps.

When the Islamists tried to impose that the woman is only the complementary of the man. The women prepared many protest but the biggest one was on August 13, 2012 which was a true success. The Islamist removed this project.

The second huge protest was on August 13, 2013 were they processed with women wearing dresses made with the Tunisian flag punctuated with national song and slogan asking the departure of the government and the dissolution of the NCA.

The women edited a document in Arabic and French "the contextualization of Human women rights with a second title "the Constitution of Citizenship and Equality were according the women. This document was broadcast widely.

The NGO Tunisian Association of Constitutional Right (acronym ATDC) organized a conference-debate for each draft and the final text delivered on January 26, 2014 was preceded by four drafts. All these debates were fully diffused by the Tunisian tv channels and by the newspapers. They explained the text of the Constitution and translated it in Tunisian dialect. 400 associations asked for this version. They explained also the law of May 26, 2014 organizing the elections. All the propositions made at the NCA, each law was discussed by the association. They are young jurists, dynamic, competent, watchful.

They also denounced the first bad measures taken by the Provisional Pending of Constitutionality of laws because its members rejected the claims about some laws which is transgressed by the deputies especially the law of May 26 upon the horizontal and vertical parity in the electoral lists, arguing that the women are not so present in the political Parties.

#### c)The women rights in the new Constitution

The new Constitution adopted on January 26, 2014 give strong protection including

**Article 46** "the state commits to protect women's established rights and works to strengthen and develop those rights" and guarantees "equality of opportunities between women and men to have access to all levels of responsibility and in all domains"

**Article 21** confirms equality of rights and duties and outlaws prohibits gender discrimination: "all the citizens, male and female, have equal rights and duties and are equal before

the law without any discrimination”.

**Article 34** guarantees women's representation in all elected bodies.

Women's accrued rights are guaranteed effectively constitutional equality provisions already existing in laws such as the Personal Status Code (PSC) in the article 46.

The State is required to ensure that women and men “have access to all levels of responsibility in all domains”. This provision was broadened in discussions just before adoption of the Constitution, so that it will cover the private as well as public sector (art.46)

The State will work towards parity in all elected bodies, including not only the parliament, the Assembly of the representatives of the People, but also the Constitutional debate suggested this would require parity in candidacies of women and men (art.46)

The state will take “all necessary measures in order to eradicate violence against women”<sup>18</sup>

### **The elections of 26<sup>th</sup> October 2014**

15 652 candidates

1327 electoral rolls : 803 Parties'lists ; 159 coalitions 'lists ; 365 independents 'lists

33 electoral districts: 27 in Tunisia: 24 districts and for Tunis, Nabeul and Sfax, one list more for each town

6 for the Tunisians residents out of the Country: 2 for France; 1 for Germany; 1 for the Arab world; 1 for the American Continent and what remain in the world

47% women are candidates and only 148 women ahead lists, that give a percentage of 11,26%, which is not only weak but it is also a set-back. This is not a progress if we compare with the previous elections of 2011. Today (October 20, 2014,), at less a week before the elections, I collaborate with the CREDIF at a panel about “the women and the elections: for a true participation in the Public affairs”<sup>19</sup>.

These last days are very busy. In the same day we have near fifty meetings on different subjects linked with the elections. I must observe for example that the jurist committee of experts has achieved **the project of a law to protect women against violence**. The last week end, the ATFD organized a panel about the white slave traffic. Another group program an action in a popular quarter about the participation to vote, and so on.

## **CONCLUSIONS**

To conclude, if we attempt to evaluate the role and the place of the women in the public space, in the most important functions we had for the period under study in this paper :

**2011** : 3 women ministers of Public Health, Culture, Women affairs and Family, and 2 Secretary of State, 1 for Higher Education and Research and 1 another for Youth and Sports.

**2011-2013** : 1 Minister the Women Affairs and the Family and 1 Secretary of State for the Environment

**2013-2014** : 2 Ministers, 1 of Trade and Handicrafts and 1 for Tourism and 1 Secretary of State of Women Affairs and the Family.

We are confronted with many problems in a society generally described as conservative. The Women themselves are not prepared and formed to act in a public and political sphere. The other factors are:

Recurring problems such as violence against women, Analphabetism and illiteracy; The problem of equality in inheritance; The struggle for parity and equality

Last but not least, The rights registered in the Constitution are good very positive but between the law and its effect, a long way sowed with many ambushes !

18 We take these information's are taken from a document of the UNFDP which helped the ANC at drafting the text.

19 I work with the CREDIF from 1995 and I am especially member of jury prize who reward each year the feminine books on Human and Social Science. I am now member of the Scientific Committee

You know the famous poem of **Louis Aragon**:  
 “Rien n'est jamais acquis à l'homme ni sa force  
 Ni sa faiblesse ni son cœur et quand il croit  
 Serrer son bonheur, il le broie “

**It is not but a sample first play, we must continue to fight, freedom and dignity are priceless.**

**ADDENDA** October 30 : victory of the democrats at the legislative elections : Nida' Tounes “Forward Tunisia”, the biggest secular party of Beji Caïd Essebsi, the Ancient Minister of Habib Bourguiba, 84 years old, win 85 seats. **The result is that political alternation seems now possible in Tunisia.** Sure ! Wait and see, we must be vigilant and precocious and we have to face many social and economic problems, we must try to diminish the social and geographical fracture, all the problems non solved after three long years of Revolution.

**68 women are elected in the new Assembly, that is 31,3%** (29 Ennahdha ; 33 Nidaa Tounes ; 2 Popular Front ; 2 (Free Popular Union); 1 Democratic Current ; 1 Tayyar al-Mahabba)

Misses and Misters Professors, Dear Colleagues, Listeners and students, Let me achieve my conference telling

**Long life to Tunisia free and democratic !  
 Thanks for your attention**