**ODI Development Progress**

# BUILDING MOMENTUM Women's empowerment in Tunisia

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developmentprogress.org

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A voter prepares to vote at a polling station in Tunis. Photo: © Ezequiel Scagnetti/European Union.

# Acknowledgements

# Abbreviations

| | |
|---|---|
| **AFTD** | Tunisian Association of Democratic Women |
| **AFTURD** | Tunisian Women's Association for Research and Development |
| **CECF** | Tahar al Haddad Club for the Study of the Conditions of Women |
| **CEDAW** | Convention on the Elimination of Discrimination against Women |
| **CNFFPA** | National Council for Women, Family and the Elderly |
| **CPS** | Code of Personal Status |
| **CR-EDIF** | Centre for Research, Documentation and Information on Women |
| **ENPI** | European Neighbourhood Policy Initiative |
| **EPZ** | Export Processing Zones |
| **FNE** | National Employment Fund |
| **GDP** | Gross Domestic Product |

| | |
|---|---|
| **ISCED** | International Standard Classification of Education |
| **LTDH** | Tunisian League for Human Rights |
| **MAFFEPA** | Ministry of Women's Affairs, the Family and Children, and the Elderly |
| **MENA** | Middle East and North Africa |
| **MMR** | Maternal Mortality Ratio |
| **NCA** | National Constituent Assembly |
| **NDP** | Neo-Destour Party |
| **ODA** | Official Development Assistance |
| **ONPF** | National Office for the Population and the Family |
| **RCD** | Constitutional Democratic Rally |
| **TFR** | Total Fertility Rate |
| **UGTT** | Tunisian General Labour Union |
| **UNFT** | National Union for Tunisian Women |
| **WB** | World Bank |

# Abstract

Between 1990 and 2010 Tunisia sustained major progress in relation to women's access to health and education services and the labour market; maternal mortality and fertility rates were halved, girls' enrolment in secondary school more than doubled and women were increasingly in paid employment. Moreover, despite the limited democratic space, the number of women in government grew significantly and women's organisations began to play a role in shaping social and political transformation.

This report argues that women's empowerment in Tunisia is largely rooted in the particular features of the elite post-independence bargain, early political choices regarding state–society relations and the associated policies in the areas of education, health and labour, which increased women's access to resources. It also highlights the interaction between changes in law, policies promoting gender equality and women's capacity to mobilise. Women's increasing individual and collective agency in both the public and private spheres explains the existence of opportunities to consolidate women's empowerment in contemporary Tunisia. Cumulative change in different spheres has been mutually reinforcing, and may also have created resilience regarding potential reversals associated with the political changes brought about by the 'Arab Spring'.

Tunisia's progress in women's empowerment provides useful lessons on how women can obtain access to new resources – and the way in which politics and power, and the struggles, dynamics and contestation that these generate – can be used to challenge gender and social power relations. It demonstrates the importance of locating political trajectories of change – such as processes of women's empowerment – in the context of wider political settlements.

Tunisian women at work. Photo: © COPSE.

# 1. Introduction

## 1.1 Why women's empowerment in Tunisia?

For many decades Tunisia has been considered as a well performing country in the Arab and Muslim world in terms of women's rights. Since independence in 1956, the country's constitution, legislation and policies have evolved in ways that promote the principles of gender equality and eliminate gender-based discrimination in relation to health, education, labour conditions and political representation. The country's Code of Personal Status (CPS), introduced in the same year as independence, made far-reaching reforms to family law – granting women equal rights in marriage and divorce, abolishing polygamy and the practice of immediate divorce by men, and giving children born to Tunisian mothers and foreign fathers the right to Tunisian citizenship. Women obtained the right to vote in 1957 and have had the right to seek an abortion without the need for their husband's permission since 1973. Tunisia has also been advanced in signing up to international commitments, including ratification of the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in late 2008. In comparison to neighbouring countries, social policy has resulted in important advances in health and education for women and girls, and in legal rights that shape gender equity (Gribaa et al., 2009; Kautsch, 2009).

Between 1990 and 2010 Tunisia recorded high and sustained progress in relation to women's access to health, education, and employment. During this period Tunisia's maternal mortality and fertility rates were halved, girls' secondary school enrolment more than doubled and women were increasingly incorporated into the labour force.

The sustained nature of these reforms and their effects in Tunisia constitute the underpinnings of progress in women's empowerment and make Tunisia a particularly interesting case study. In order to understand what has driven this progress in women's empowerment it is necessary to examine the conditions that shaped the social and political environment in which the progress took place, in particular the relationship between historic trends of social inclusion and greater gender equality.

Since independence Tunisia has been characterised by a political system based on a dominant party, in which democratic representation has been limited. Despite the introduction of multi-party politics in 1988[1] and the abolition of life-term presidencies, between 1990 and 2010 Tunisia's political regime remained somewhat authoritarian. Moreover, during this period the general level of political and human rights deteriorated substantially as the government of Ben Ali used increasingly repressive tactics to intimidate and control political dissidents (Moumneh, 2010). It was not until the so-called Jasmine Revolution in 2011 that fundamental changes in the political system took place. Yet despite this, during the period addressed in this study the number of women in the executive and legislative branches of government increased significantly and women's organisations began to play a role in shaping social and political transformation.

A case study of women's empowerment in Tunisia is also timely. Since the events of the Arab Spring in 2010 its political system has changed significantly and while the introduction of political liberalism has improved political freedoms more broadly it has also been accompanied by the emergence of more conservative views about women.

In December 2010, Tunisian citizens took to the streets to protest against economic hardships and lack of political freedoms. After several weeks of civil protest, President Ben Ali, who had been in power for 23 years, resigned on 14 January 2011. This sparked a wave of similar protests across many Arab countries, which came to be known collectively as the Arab Spring. In the aftermath of the Ben Ali's resignation, Tunisia moved towards a more liberal political system and for the first time, in October 2011, the country elected representatives to the National Constituent Assembly (NCA). Following the overwhelming victory of the Islamist Ennahda party,[2] however, there

**'We have already asserted that Tunisian women are a reflection of modernity, a guarantee of our people's authenticity, and one of the pillars of the Republic. Indeed without women's citizenship, the very notion of citizenship will be incomplete' – President Ben Ali**

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1   National Pact of November 1988.

2   Ennahda formed a 'troika' coalition government with the leftist parties Ettakatol and Congress for the Republic (CPR), after winning 37% of the votes (Meyer-Resende and Weichselbaum, 2014; Goulding, 2011; Kausch, 2013; Charrad and Zarrugh, 2013).

was widespread concern that the influence of religion in the country would increase and jeopardise the liberal legislation which had been enshrined in the CPS since the 1950s (Goulding, 2011a; Charrad and Zarrugh, 2013).

In fact, almost three years to the day after the Jasmine Revolution, a neutral interim government voted on the adoption of a new Tunisian constitution, which has been widely applauded for its inclusiveness (Meyer-Resende and Weichselbaum, 2014). Although implementation will be a major challenge (see section 3, below), important compromises reached between Islamist and secular leaders have enshrined the principle of gender equality in the country's new constitution, not only preserving but also advancing key social and political gains for women (Amera, 2014; Pickard, 2013; Charrad and Zarrugh, 2013). In 2011, a quota on gender parity on party electoral lists was enshrined in law to ensure that women accounted for at least 50% of the candidates elected to draft the constitution (Goulding, 2011b). The resilient nature of the advances in gender equality in the face of political challenges make Tunisia an important case study and one that has implications for broader debates about the process and consequences of achieving progress in women's empowerment.

## 1.2 Understanding women's empowerment

This is one of two case studies on women's empowerment produced as part of ODI's Development Progress project. The objective of these case studies is to observe progress on social cohesion through the lens of gender equality and women's empowerment (see Box 1).

By taking a detailed look at two countries in which research suggests that there have been substantial strides in women's empowerment in the last two decades, the studies aim to identify what this looks like in practice and the factors explaining it. This case study is underpinned by the definitions and the analytical approach set out in a background paper (Valters and Domingo, 2013) on women's empowerment.

Women's empowerment goes beyond the definition of gender equality (which focuses on women's condition relative to men) and incorporates the extent to which women have the power and ability to make choices and control their own destiny. Following Kabeer (1999), women's empowerment involves the *process by which women gain the ability to make and enact strategic life choices*. For Eyben (2011) empowerment takes place when 'individuals and organised groups are able to imagine their world differently and to realise that vision by changing the relations of power that have kept them in poverty, restricted their voice and deprived them of their autonomy' (p2).

**Box 1: Social cohesion and women's empowerment**

The study of women's empowerment, which is part of the Development Progress project, seeks to identify and explain examples of progress across different dimensions of development. The project draws on the work of the Stiglitz-Sen-Fitoussi Commission (2009), which identified a range of dimensions of wellbeing, including political voice and social cohesion. Our working premise was that women's empowerment advances social cohesion when the (enabled) agency of individuals or groups contributes to redefining power relations in ways that help to reduce structures of inequality and push for more equitable outcomes. Policies that focus on eliminating discrimination and exclusion across a range of spheres (economic, political, socio-cultural) and that focus on different levels (domestic, community/sub-national and national) may therefore enhance the social inclusion of disadvantaged sectors of the population. As the work on women's empowerment demonstrates, such histories of progress are deeply contested and inevitably political.

Source: O'Neil, Domingo and Valters (2014)

Women's empowerment is a multi-dimensional concept that encompasses a number of loosely overlapping political, social and economic dimensions in both the private and public spheres, at different levels (national, subnational) and at varying speeds (see Box 2).[3] Since it requires changes in how power and resources are allocated, the process of bringing about women's empowerment is also inherently political, and is therefore susceptible to resistance and reversals. Identifying and measuring progress in women's empowerment therefore poses challenges.

Women's empowerment involves both process and outcome – empowerment involves a process of self-transformation but also reflects a state of change achieved, and thus an outcome of a varying range of enabling processes.

## 1.3 Methodology

This case study seeks to answer two questions:

- What does progress in women's empowerment look like in Tunisia?
- What factors explain this?

In order to identify the first question, we track processes through two categories of change. First, we examine the range of *institutional reforms and social policy measures*

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3   Jo Rowlands (1997) identified four types of power, including: power over – or the ability to control others; power to – or the ability to exercise choice and change external conditions; power with – or the power that comes from collective action; power within – or increased critical consciousness and self-respect. See also Luttrell et al. (2009).

**Box 2: Definition of the dimensions of women's empowerment**

**Political empowerment** occurs when women gain the ability to influence the rules and norms that govern society and decisions about who gets what, when and how – individually or collectively. This can be through public or private organisations, and concern formal or informal (e.g. socio-cultural) rules/institutions, operating at the household, community, sub-national and national levels.

**Social empowerment** occurs when women gain the ability to make/influence decisions about their social interactions (e.g. mobility, associations with others), reproduction, health and education.

**Economic empowerment** occurs when women gain the ability to make, influence and act on decisions about their participation in labour markets, their share of unpaid work and the allocation and use of their own/their household's assets.

**Psychological empowerment** occurs when women gain the belief that they should be able to make or influence decisions that affect them and gain the confidence to act on this.

Source: O'Neil, Valters, and Domingo (2014), drawing on Kabeer (1999); Luttrell et al. (2009); Eybens (2011)

that contributed to eliminating gender-based discrimination and barriers to gender equality. These are both enabling factors for progress on women's empowerment, and are in themselves a measure of progress regarding the elimination of gender-based discrimination and exclusion – such as legislation that aims to eliminate gender-based discrimination or measures designed to promote gender equality. It also includes policies and institutional reforms that enable implementation of new laws, such as establishing formal structures which aim to achieve gender equality (e.g. a women's ministry) or building up capacity in relevant state bodies; and social policies on health and education.

Second, we assess progress in women's empowerment through *gains achieved*, or the measures by which the achievement of gender equality and women's empowerment can be said to have taken place. This includes quantitative measures such as the number of women in public office or women in decision-making positions, or the number of girls and women in formal education. Qualitative measures include assessments of the degree to which women are having impact on policy and decision-making and, related to this, the extent to which this results in a deliberate policy to achieve gender equality. Qualitative measures on women's voice are harder to identify – but no less important for that.

These progress markers are relevant to women's empowerment insofar as they reflect changes in women's capacity to exercise power. Institutional and policy reform

may be the outcome of women's agency; they are also enablers of the development of capabilities associated with agency and empowerment (education, for instance). But the specifics of what enables institutional reform, or equity-enhancing social policy, and how women's agency and capabilities are shaped – or constrained – at the collective and individual level are context-specific and deeply embedded in the particular histories of how structure and agency intersect to shape empowerment outcomes. In the case of Tunisia, women's empowerment is rooted in the features of the elite post-independence bargain. Early political choices regarding the terms of state–society relations created an enabling environment for women's capabilities – allowing voice and agency to develop – and in more recent times have become more effective brokers of gender agendas, within the limits of authoritarian structures and resilient patriarchal social norms.

Although the focus of this analysis is from 1990 to 2010, Tunisia's progress in women's empowerment during this period needs to be seen as part of longer-term trends regarding the evolution of state–society relations and the terms of the political settlement regarding independence and state-building from the 1950s onwards. This is relevant because the consistency and continuity of gains made in the early post-independence period have been critical to shaping the socio-political conditions that have enabled progress on gender equality and women's empowerment in the two decades on which this case study is focused.

In order to address the second question, the case study situates the achievements in women's empowerment within the longer-term history of the post-independence Tunisian state and the political settlement underpinning it. The nature of the elite bargain laid important foundations for the advancement of gender equality, which in turn has contributed to women's empowerment, the achievements of which have proved resilient since the Arab Spring. The case study demonstrates the importance of locating political trajectories of change – such as processes of women's empowerment – in the context of wider political settlements. How these evolve is crucial to understanding the boundaries of empowerment processes, trajectories of change at the intersection of institutional and political change, and women's agency.

The case study therefore includes discussion on the evolution of the post-independence political settlement in Tunisia and the associated public policies in education, health and labour issues, as well as the introduction of a progressive family code; the cumulative and iterative interaction between legislation and policy choices and women's political agency; and policies on resource allocation over several decades, given the particular socio-economic features of Tunisian society.

While we make reference to the Arab Spring and its implications for women's empowerment in Tunisia (see sections 1.1, 3.4, 4.3, and 5) the indicators on outcomes and institutional change we discuss do not encompass the

country's Jasmine Revolution or the post-revolutionary era (2011–2014), which falls outside the period of analysis. It is nevertheless important to stress that the achievements regarding women's empowerment described in this study have contributed to ensuring that these gains are reflected in the 2014 Constitution.

For this desk-based case study UK-based researchers reviewed key documents and published materials, including government policies, surveys, project reports and grey literature, publicly available datasets on demographics, health, education and other related indicators, and academic literature on women's empowerment broadly and in Tunisia.

The report is structured as follows: section 2 describes progress in women's empowerment in Tunisia in the last 20 years. Section 3 explores the factors that have driven this progress, paying attention to trends across indicators of progress and the possible relations between them. Section 4 outlines the remaining and future challenges while section 5 highlights some key lessons to be drawn from Tunisia's experience.

# Political voice and women's empowerment

**Tunisia**

## Education

The vast majority of girls are now enrolled in secondary school.

1980
## 19%
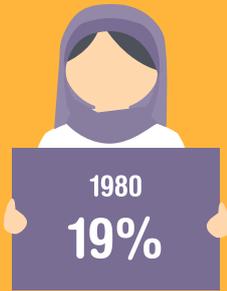
2011
## 94%

## Public Office

In 2005, Tunisia had **509** female judges, compared to **1,255** male judges.

### 29%

**Compared to:**

24%

17%
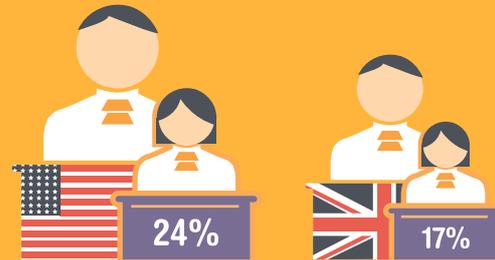
## Parliament

Increasing numbers of women are being elected to the Tunisian parliament.

2004
## 23%

2011
## 26%

1999
## 12%

2014
## 31%

1989
## 4%
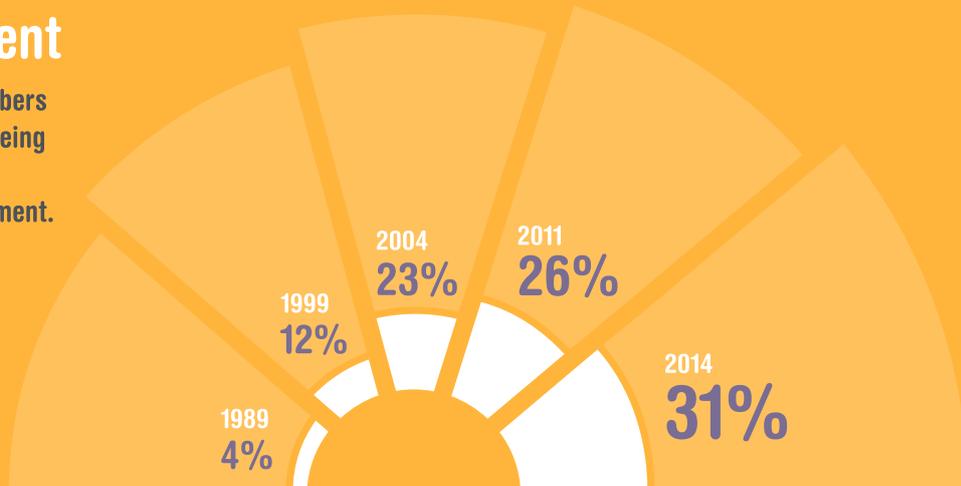
Sources: 1: UNESCO, 2: Gribaa 2009; 93, 3: Goulding, 2011
*A previous version of this infographic erroneously stated combined statistics for both primary and secondary enrolment.*

# 2. What progress has been achieved?

In order to determine what progress in gender equality and women's empowerment in Tunisia looks like, we distinguish between different types of change. Following O'Neil et al. (2014) we observe women's pathways of empowerment through progress in enabling conditions (such as institutional and legal change) and achievements (such as greater access to education for women and girls). In practice these measures of progress are interconnected.

While this study is concerned with progress in women's empowerment from 1990 to 2010, this period cannot be viewed in isolation from earlier reform processes. Ever since independence, Tunisia's constitutional and legislative framework has evolved in a progressive manner, with successive changes promoting the principles of gender equality and non-discrimination in relation to health, education, labour conditions and political representation. In order to understand what has driven progress in women's empowerment in this period it is also necessary to examine the conditions that shaped the social and political environment in which the progress was made.

Below we consider key elements of the legal reforms that were made before 1990 and offer a brief overview of Tunisia's experience of economic development since independence. This is necessary in order to understand the political and socio-economic context that has underpinned Tunisia's progress towards women's empowerment.

Given the relevance of Tunisia's state-building experience and the evolution of state–society relations in shaping the socio-political conditions which have enabled this progress, we present an overview of these, and the background to the early policy decisions taken by the newly independent state which provided a facilitating environment for change. We then consider the concrete gains that have been made in the three dimensions of women's empowerment (social, economic, and political) and the consolidating reforms to the institutional and legal process made during the period in question.

## 2.1 Pre-1990 reforms

In the immediate post-independence era (1956–1987) Tunisia undertook significant reforms. These first wave of institutional and policy reforms began immediately after independence and were unprecedented in the Middle East and North Africa (MENA), expanding Tunisian women's entitlements in a number of key areas. The main elements of this first wave of domestic legal reforms are described below.

### 2.1.1 Legal and policy change in social issues – family law, education, religion – and implementing measures over time

One of the most influential and important legal changes in promoting women's equality in Tunisia came with the promulgation of the new Code of Personal Status (CPS) on 13 August 1956. In far-reaching reforms to marriage, divorce, custody and inheritance laws, the CPS gave greater protection to women in the private sphere and considerable autonomy from husbands and extended male kin in family matters.[4] Among other things it abolished polygamy, gave women the right to choose their spouse, set the minimum age for women to marry at 15 years, eliminated the practice of immediate divorce (repudiation) by men, and gave women equal rights to divorce (see Box 3). Coming less than five months after independence, and before Tunisia became a republic, the CPS profoundly changed family law, transforming the legal construction of gender roles within the family and women's status. The CPS radically altered the vision of the family, privileging the ties between spouses, children and parents over those of the extended kinship through male relatives. The new code was pioneering legislation in the MENA region (Bennhold, 2011; Charrad, 1997, 2001, 2007; Baliamoune, 2011; Baliamoune-Lutz, 2009; Baliamoune, 2009; Gribaa et al., 2009; EU, 2010).

The 1959 Tunisian Constitution was also a milestone in recognising women as equals before the law. It states that 'all citizens hold the same rights, and have the same

*'Look at us. We're doctors, teachers, wives, mothers – sometimes our husbands agree with our politics, sometimes they don't. But we're here and we're active' – Mounia Brahim, Ennahda Executive Council member*

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4  *Code de statut personnel* in French; *Majalla* in Arabic.

duties. They are all equal before the law'. The constitution accorded women the right to vote and stand for election, and opened the way for the amendment of other legislation (laws and codes) to progressively acknowledge women's fundamental rights in other aspects of life: the right to work, to free education, to social protection and so forth.

The unification of the justice system in 1957 involved the abolition of religious courts (Maliki, Hanafi and Rabbinic) and their replacement with secular courts[5] and was also an important milestone for women in Tunisia. The CPS had made it obligatory for divorce to take place

in a court and gave the judge decision-making powers over child custody. The creation of a national secular justice system effectively eliminated formal religious jurisdiction over women's private life, which had served to reinforce power relations between men and women. Henceforth, in Tunisian secular courts, a woman's testimony has held the same weight as a man's.

In the immediate post-independence period Tunisia ratified a number of key international conventions related to human and/or women's rights (see Box 4). The most significant of these was ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, just before the end of Bourguiba's rule.[6] While domestic legal reforms appear to have been more important in promoting women's equality than Tunisia's commitment to international conventions, the latter nonetheless provided an incentive for Tunisia to establish a number of mechanisms to protect and promote women's rights in accordance with CEDAW and the Istanbul recommendations (see section 2.4).

Of course, the ratification of international norms – and indeed codification generally of women's rights – does not necessarily reflect the reality.

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5   On 3 August, secular courts replaced religious courts as the high court for the application of Islamic law while the law of 27 September 1957 closed the rabbinical court of Tunis.

6   Tunisia, however, entered a number of reservations with respect to citizenship and inheritance issues: Article 9(2), regarding the right of a woman to pass her nationality to her children; Article 15(4), regarding the right of the woman to choose her own domicile; several paragraphs of Article 16 (c, d f, g and h) related to marriage, divorce and inheritance, and Article 29(1), regarding arbitration of disputes arising from the convention (UN-CEDAW, 1985). The latter reservation was registered on the grounds that the convention principles were not consistent with Tunisia's interpretation of women's inheritance rights in Q'uranic texts.

A series of social reforms introduced in the first decade after independence (1956–1966), in particular in the area of health and education policy, also fundamentally affected women's roles in the public sphere, and contributed to giving women greater opportunities and participation in decision-making processes in the private domain. This occurred despite the fact that improving gender equality was not necessarily the main reason for these policy decisions (EU, 2010). Below we discuss each of these in turn.

Population control was a central element of the country's post-independence development strategy. Curbing fertility rates was a policy priority, which aimed to reverse the pro-natalist policy established by the French (Bacchri and Nache, 2003; Baliamoune, 2009). From the 1950s, Tunisia began establishing a national family-planning (FP) programme, which focused on a range of maternal health issues, with support from the United Nations Population Fund and the Ford Foundation – the first African country to do so (Baliamoune, 2011). The FP programme was integrated into the 1962–63 National Development Plan and made operational by the creation of a family planning agency (ONPF) in the early 1960s. This was accompanied by further investment in reproductive health and the enactment of social policy reforms to discourage large families (e.g. security benefits were limited to a maximum of three children) (Bechri and Naccache, 2003). Also critical in this respect were the revocation of laws pertaining to importing and selling contraceptives in 1961 and the legalisation of abortion in 1965.[7] These policies helped to give women greater control over decisions about whether and when to have children and expanded their life choices in the private sphere (Bechri and Naccache, 2003; Baliamoune, 2011) – they were also unique in the Arab world and beyond.

Ever since independence, education has been a priority for the Tunisian state. This is reflected in the legal measures and policies that have been introduced and in the consistent rise in public spending on the sector (see section 3.3.2).

In the immediate post-independence era, the creation of a skilled labour force to meet the needs of urban businesses and to support the country's manufacturing industry was a key priority of Bourguiba's government (Baliamoune-Lutz, 2009). The Tunisian government therefore invested heavily in the public education system (primary and secondary school) and passed legislation on improving all children's access to education. Article 1 of the November 1958 education law enshrined the right of girls to receive an education, in order to 'enable both sexes, without prejudice […] to develop their personalities and aptitude' (article 1).[8]

## 2.1.2 Legal and policy change in economic life – land law, labour law and policy

Although not specifically aimed at improving gender equality, a number of institutional reforms in the immediate post-independence period were also beneficial to women. Legal reforms concerning local administration and tribal land that were intended to diminish the power of kinship ties and weaken the religious establishment were important for enabling women's empowerment in the domestic and private sphere. Touching, as they did, on aspects of religion and kinship bonds, these reforms fundamentally altered social relations and had important implications for family relationships in a way which favoured women (Charrad, 2001), ultimately undermining patriarchy and giving women greater access to land and assets.

For example, in 1956 and 1957, public charitable foundations (*waqfs*)[9] and private charitable foundations were supressed and abolished. The practice of leaving landed property in trust to religious institutions was thus made illegal, which considerably reduced the power of religious institutions by eroding their financial support base.[10] This policy also benefited female heirs by removing one of the mechanisms by which they could be legally deprived of the land they could inherit (Charrad, 2001). In 1957, legal reforms also saw collective tribal land dismantled and distributed to individual owners[11] (Charrad, 2001). This was coupled with extensive local administrative reforms, particularly in the south where there remained pockets of resistance to the modernist state-building agenda; the administrative structure was deconcentrated along with the redrawing of territorial boundaries (Charrad, 2001: 212). The main objective of these measures and policies was to weaken tribal lines (either cutting across them or grouping several together), and therefore the political leverage of kin-based structures that might have challenged Bourguiba's agenda (Charrad, 2001). This had the effect of eliminating any organised challenge to the implementation of the far-reaching family code that contributed to gender equality and women's empowerment.

The 1959 constitution also opened the way for other legal reforms in relation to labour (laws and codes), which gave women the right to work, and the Labour Law of 30 April 1966, which guaranteed women and men equal

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7  The 1965 reforms permitted abortion for women with five or more living children who were in the first 12 weeks of pregnancy (*Décret-loi du 26 septembre 1973*).

8  *Loi n° 58-118 du 4 novembre 1958 portant sur l'enseignement.*

9  A *waqf* is a religious endowment, typically a building, plot of land or cash, donated for Muslim religious or charitable purposes, which is held by a charitable trust.

10  At independence an estimated 20–25% of Tunisian land was held in trust in this manner.

11  *Loi n° 57-16 du 28 septembre 1957.*

rights to employment. In 1983, the Public Sector Labour Law[12] recognised particular rights for women including two months' maternity leave on full pay and the possibility of an additional four months on half pay (article 48). It also gave women the right to take two years of unpaid leave to raise one or more children.

### 2.1.3 Legal and policy change in politics

The 1969 Electoral Code[13] recognised women's right to vote and to stand for election to parliament. In addition, the 1988 law organising political parties[14] required them to respect a number of values (including those human rights defined in the constitution and in ratified international conventions as well as personal statutes) and to apply the principle of non-discrimination, although quotas were not a legal requirement.

## 2.2 Economic development

Since independence Tunisia has recorded consistent annual growth rates of around 5% (Baliamoune, 2011: 11) and demonstrated good economic performance since the 1980s despite structural adjustment (Baliamoune-Lutz, 2009). This growth is rooted in Tunisia's pre-independence experience. At independence, unlike its MENA neighbours, Tunisia was already highly urbanised with a relatively large business class, a centralised state, and a strong economy based on the manufacturing and export of textile, leather and food products (Baliamoune-Lutz, 2009). It also had a competent civil service with the capacity to implement administrative reforms (Charrad, 2001: 96).[15]

From the 1970s onwards, the share of agriculture in the Tunisian economy declined rapidly while exports and the manufacturing sector grew enormously and at a sustained rate until mid-1995 (see Figure 1). Since the 1980s Tunisia has significantly diversified its economy (Charrad, 2001). In addition Tunisia has a proportionally larger urban population than Algeria, Egypt and Morocco – in 2005, 68% of the Tunisian population lived in urban areas (Baliamoune-Lutz, 2009; Ben Salem, 2010: 21).

While the direction of social policies remained consistent in the post-independence period, there were several important shifts in economic policy. These changes were influenced by political dynamics when it became necessary to reduce or eliminate conflict among various interest groups (see also sections 3.1 and 3.2). Policy shifts were rooted in the successive need to appease the labour unions and the business elites in order maintain the

**Figure 1: GDP per sector, Tunisia, 1966–2012**



*Source: World Bank, 2014*

equilibrium of the political settlement (Baliamoune, 2011; Baliamoune-Lutz, 2009: 12). Table 1 (overleaf) summarises the key trends in economic policies and outcomes.

## 2.3 Concrete gains in women's empowerment

Since independence, Tunisia has recorded sustained progress in a number of social, economic and political dimensions of women's equality, although it should be noted that while there was significant change in the area of political representation between 1990 and 2010, this was not the case in terms of social and economic indicators. Improvements in women's health, and access to education and employment, had already achieved significant progress by the 1990s. An analysis focused solely on the absolute changes that took place between 1990 and 2010 would therefore give an incomplete picture of progress. Consequently, in order to examine the drivers of progress and Tunisia's capacity to sustain it, we situate more recent changes within a broader historical background.

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12  *Loi n° 83-112 du 12 Décembre 1983, portant statut général des personnels de l'Etat, des collectivités publiques locales et des établissements publics à caractère administratif.*

13  *Loi n° 69-25 du 8 avril 1969, portant code électoral.*

14  *Loi n° 88-32 du 3 mai 1988 organisant les partis politiques.*

15  Collège Sadiqi was founded in Tunis in 1875 with the principal mission of training Tunisia's civil servants in a way which was 'designed to adopt Western knowledge to the Arab-Islamic identity' (Charrad, 2001: 96).

## Table 1: Tunisia's economic policy 1956–1996

| Dates | Economic policy orientation | Key characteristics of economic policy | Key features of economic policy | Why was policy not sustained? |
|---|---|---|---|---|
| 1956-1960 | State-led capitalism | Liberal policies but with state intervention (e.g. protection, prohibitive tariffs, monopolies in public utilities, banks). | State interventions deterred private investment. | The powerful Tunisian General Labour Union (UGTT) was a potential threat to Bourguiba's power, and in order to appease and control it he appointed a former UGTT secretary-general, Ben Saleh, as Minister of Social Affairs and Economy in 1961. As a result the NDP adopted UGTT economic policy. |
| 1961-1969 | Socialist | Central planning,* collectivisation, public investment in infrastructure. | A severe economic crisis fuelled popular discontent and regional violence in the 1960s. | Faced with the need to resort to the use of the army to enforce economic policy, President Bourguiba dismissed his finance minister, Ben Saleh, ultimately bringing about a policy reversal. |
| 1970-1980 | Market economy with protectionism | Support for private initiatives and export-promotion policies (i.e. creation of export-processing zones (EPZs) alongside protection for import-substituting industries). | Although internally inconsistent this policy created significant job opportunities in the urban manufacturing sector for semi-skilled labour. The share of agriculture in the economy declined rapidly and Tunisia's manufacturing sector grew at a sustained rate right until the mid-1990s (see Figure 1). | Strategy failed to achieve desired results. Public investment remained dominant and import-substitution bias increased. Street unrest and union activity resulted in the adoption of populist policies. |
| 1981-1985 | Economic populism | Wage increases. | Populist policies fuelled inflation and generated a balance of payments crisis. | Proposed price rises to combat inflation and the balance of payments crisis in 1984 led to widespread social unrest. Bourguiba's response was to cancel the proposed rise and appoint a new Prime Minister in 1986. |
| 1986-1991 | Crisis-triggered International Monetary Fund structural adjustment | Devaluation of currency, restrictive monetary, fiscal and income measures; trade and financial-sector liberalisation. | The package of structural adjustment and liberalisation achieved some initial success, but the reforms failed to revive private investment. | The government recognised the need for additional measures. Export-oriented strategy had created a constituency with stake in exports.** |
| 1995-2000 | Association agreement with the EU*** | Provided for establishment of a free-trade area. | Long implementation period for tariff removal has limited restructuring in import-substitution activities and slowed down reform in crucial areas such as banking, telecommunications and boards of trade. | |

Source: Bechri and Naccache (2003)

* With the publication of the 'Perspectives Decennales' (Bechri and Naccache, 2003: 15).

** Becchri and Naccache (2003: 36) note that only a third of Tunisia's exporting firms in the textile and clothing sector were foreign-owned. They also highlight the shift from import-substitution to an interest in promoting exports in the mechanical and electrical sectors.

*** Tunisia was the first of the countries in the MENA region to sign an association agreement with Europe in 17 July 1995, a partnership which was consolidated by the Neighbourhood Action plan adopted in July 2005 in the framework of the European Neighbourhood Policy Initiative (ENPI).

**Figure 2: Women's health indicators in Tunisia and MENA countries**



*% change*

Legend:
- **Tunisia** / **MENA**
- Women's life expectancy
- Fertility rate, total
- Maternal mortality rate (per 100,000 live births)
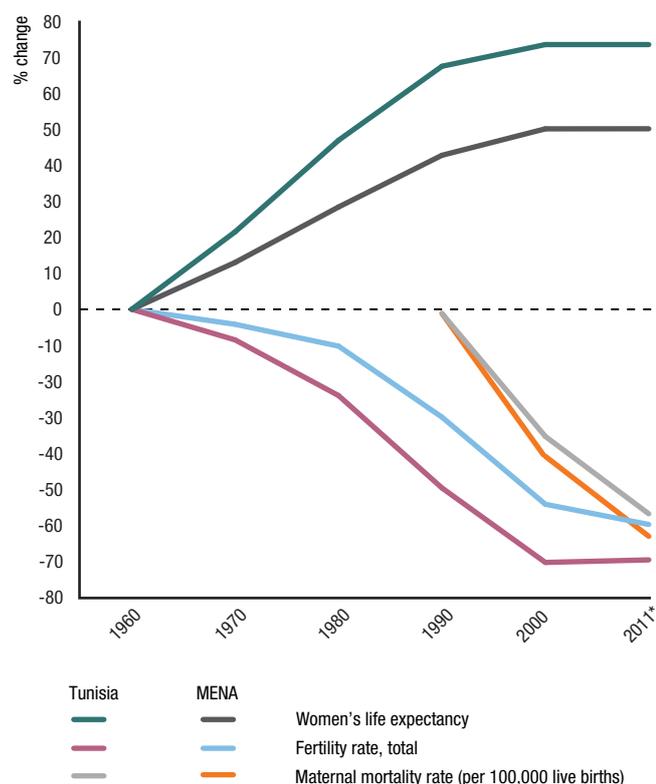
*\*Maternal mortality rates are for 2010*
*\*\* Although the MMR for the MENA region reflects a higher percentage change from 1990 to 2010, Tunisia's MMR is lower than the regional average, reducing from 130 per 100,000 live births to 56 during this period. This compares to a reduction from 220 to 81 in the MENA region as a whole.*
*Source: World Bank (2014)*

### 2.3.1 Social outcome indicators

Data on women's health in Tunisia indicate that women live longer and have fewer, and apparently healthier, children than their MENA counterparts (Baliamoune, 2011: 7). Moreover, Tunisia has made significant progress in increasing girls' education, as reflected in higher enrolment of girls at all levels of schooling and overall school life expectancy, increased female literacy and a diversification in their areas of study.

Tunisia's Total Fertility Rate (TFR) declined dramatically in the post-independence era and has continued to fall steadily since then (Cochrane, 1995;

Eltigani, 2009). As the World Bank's World Development Indicators (WDI) show (see Figure 2), Tunisia's TFR fell from 7.04 births per woman in 1960 to 2.13 in 2011, a faster reduction than the average among MENA countries. The absolute drop in fertility rates has also been higher than any other country in the region, including Morocco and Turkey. Moreover, Tunisian national statistics indicate that while there is a rural–urban disparity, showing TFRs of 1.5 and 2.6 respectively, rural fertility rates in Tunisia remain lower than the average for the MENA region (EU, 2010: 35).

Tunisian life expectancy at birth has also improved significantly over the years, from 42.01 years in 1960 to 74.75 years in 2011 and rising female life expectancy has contributed to this trend, increasing from 43.01 years in 1960 to 74.7 in 2011. As Figure 2 shows, improvements in female life expectancy accelerated most quickly between 1960 and 1980. Like other health-related indicators, these are better than those of the MENA region overall.

Tunisia has more than halved its maternal mortality ratio (MMR) in the two decades, from 130 per 100,000 live births in 1990 to 56 in 2010 (Figure 2). The disaggregation of progress across income groups or between rural and urban areas is constrained by a lack of longitudinal data on MMR.

UNESCO data show that girls' enrolment at all levels of education – primary, secondary, and tertiary – has increased steadily since 1971, reaching 108%,[16] 94% and 45% respectively by 2011 (see Figure 3, overleaf). In particular, the period between 1990 and 2010 was characterised by marked progress in secondary and tertiary enrolment. Girls' secondary school enrolment rose from 38% to 94%, while their tertiary school enrolment increased from 6% to 45%. Not only does this represent a reduction in the gender gap, but also that more girls and women are in secondary and tertiary education than are boys and men. This differential is particularly so in tertiary education where women's university-level enrolment rate in 2011 was 44.9% compared to 29.5% for men.

The rise in girls' gross secondary school enrolment can be at least partially attributed to the high levels of girls' primary school enrolment, which had been achieved by the 1970s and continued to rise in the 1990s (see Figure 3).

The average number of years a girl spends in formal education in Tunisia (from primary to tertiary level) – known as the school life expectancy – has risen consistently since the early 1970s. In 1971, a girl's school life expectancy was only 4.9 years. This had risen to 9.3

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16  The value is over 100% because of the simultaneous enrolment of some over-age and under-age children, as well as (potentially) the transition first to an 11-year and then to a 12-year school system.

**Figure 3: Female education enrolment ratios in Tunisia 1971–2011**
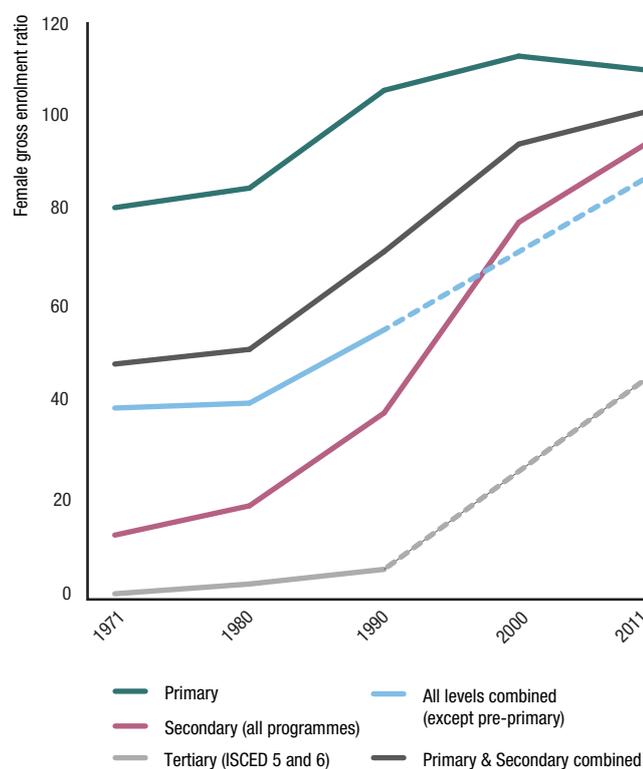


*Source: UNESCO (2009)*

years by 1990 and to 15.1 years by 2010.[17] This compares with an increase from 11.3 to 14.3 years for boys over the same period, indicating that the gap between girls' and boys' school life expectancy has gradually been reversed in favour of girls.

Furthermore, Tunisia's achievements in increasing literacy and school enrolment ratios and school life expectancy outstrip those in other MENA countries. Baliamoune (2011) refers to World Bank data to show that Tunisian women have a higher probability of obtaining secondary and tertiary education and of having more years of schooling than their counterparts in Morocco and Turkey: from 1971 to 2007, Morocco's school life expectancy for girls rose from 3.1 to 9.8 years, while in Turkey it went from 6.3 to 11 years. Moreover, in contrast to Tunisia, in Morocco and Turkey secondary and tertiary school enrolments remain higher for men than for women and the gap between female and male literacy is closing less rapidly (Baliamoune, 2011; Bechri and Naccahce, 2003).

Finally, it is important to note that there are regional disparities in levels of education. According to the National Institute of Statistics – Tunisia, 2010 data show that while education levels have increased dramatically since the early 1960s, when 68% of the labour force had no schooling, the proportion of the labour force with no education in Grand Tunis is 3.7%, compared to 26.2% in Sidi Bouzid, 25% in Kef, 21.7% in the northwest, and 21.5% in the mid-west (Boughzala and Hamdi, 2014). The significant differences in literacy and schooling rates among regions and between urban and rural areas has been of concern to the government, as reflected in programmes for priority education areas and the focus of the 2000 National Adult Education Programme on women and rural areas. As a result, the variation in educational levels between rural and urban areas and between different regions is far less marked than in other MENA countries (Boughzala and Hamdi, 2014).

### 2.3.2 Socio-economic indicators

Women's participation in the labour market has shown sustained progress as their representation as a percentage of the total labour force has risen from 20.8% to 25.3% between 1990 and 2010 (see Table 2).

Government data indicate that the number of women actively seeking work in Tunisia multiplied by 2.65 from 1994 to 2002. A comparison with male job applications shows that women represented 33.36% of job seekers in 1994 and 43.3% in 2002 (La République tunisienne, 2004: 25). Of women looking for work, the number obtaining jobs also increased during the same period, from 25,497 in 1994 to 33,120 in 2002, and women's unemployment rate fell from 17.2% in 1994 to 15.2% in 2001 – the equivalent of a 30% increase in the number of women finding work (La République tunisienne, 2004: 25). A 2004 government report indicated that by 2002 women represented 25.3% of the population employed or actively seeking employment and 25.1% of the population in employment (La République tunisienne, 2004: 25).

Not only do women have better access to jobs but they also obtain more diversified types and levels of employment. Gribaa et al. (2009) indicate that women's representation in various professions in the private sector (particularly in law and medicine) increased significantly in the 1980s. In 1982–1983, women occupied only 16.46% of professional positions, which had increased to 21.66% in 1991–1992. By 1990, women represented 10% of lawyers and in 1992–1993 they accounted for 33% of doctors, 57% of dentists, 65% of pharmacists and 18% of veterinarians and biologists. These professional women

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17 School life expectancy aims to show the overall level of development of an educational system in terms of the average number of years of formal education schooling that the system offered to the eligible population. According to the UNESCO Institute of Statistics, 'it is calculated as the sum of the age specific enrolment rates for the levels of education specified. The part of the enrolment that is not distributed by age is divided by the school-age population for the level of education they are enrolled in, and multiplied by the duration of that level of education. The result is then added to the sum of the age-specific enrolment rates' (UIS, 2009:7).

played a key role in the women's associations that became active in the 1980s (discussed further below and in section 3.4).

In addition, there is evidence that from the late 1990s women benefited from government programmes intended to better integrate them into private- and public-sector employment (e.g. through entry and higher-level work experience, on-the-job training, specialist training, particularly in IT and media, from the National Employment Fund (FNE),[18] apprenticeships and vocational training).[19] The 2004 government report highlights in particular the massive entry of women into sectors that are traditionally reserved for men (i.e. mining, construction and energy). In addition, many women who participated in vocational training also received training in setting up businesses. Many of these women went on to create micro-enterprises in a variety of sectors including the industrial sector (39%), the services sector (45%) and the agricultural sector (18%) (Gribaa et al., 2009: 26). There is a strong correlation between women with a high education level and those owning their own business: Gribaa et al., (2009: 90) notes that of 18,000 women who owned their own companies, 79% had higher levels of education.

### 2.3.3 Political indicators

Given that Tunisia was under an authoritarian regime that constrained political representation, women's representation in formal politics and decision-making processes has nonetheless improved gradually but consistently between 1990 and 2010. Women's representation increased at all levels, including the executive and legislative structures, local government and judicial power. Again, in the areas of women's participation in politics (ministerial positions and national parliaments), Tunisia outperforms both Algeria and Morocco (Baliamoune, 2011).

At the executive level, the percentage of women in government increased from 9.25% to 12.5% between 2001 and 2009, with the 2009 government including one female minister and five female secretaries of state (Gribaa et al., 2009). Since 2004, women's integration in the country's constitutional and consultative institutions that manage the country's affairs has also been strengthened (see Table 3, overleaf). By 2007 women held 24% of decision-making posts, up from 21% in 2004 (Gribba, 2009: 90).

As shown in Table 4 (overleaf), the number of women in the legislative branch of government has also increased. The number of women elected to the Chamber of Deputies – the lower chamber of parliament, which has legislative powers – nearly doubled between 1999 and 2004, from 12% to 23%.

Figure 4 (overleaf) shows the rate of increase of women's participation compared to the rest of the world and highlights the key policy moments.

Since 1988, women have been present at all levels of the judiciary – 24% of magistrates are women and nearly 15% of women in the judiciary are in senior positions. By 2005, women constituted 29% of judges and 30% of lawyers (see Table 5, overleaf) (Gribaa et al., 2009).

Likewise the percentage of women represented in local government has also increased, largely due to a presidential decision to impose internal quotas on the Constitutional Democratic Rally (RCD) electoral lists as of 1999 (see sections 2.4 and 3.2).

Between 1995 and 2005, the number of women in municipal councils doubled from 13% to 26% following the President's instruction to his party to increase the number of elected women to at least one in every four seats (see Table 6, page 24). This measure resulted in female candidates representing 36% of the ruling party (RCD) electoral lists in the May 2005 municipal elections (Gribaa et al., 2009). Women elected to municipal councils representing the RDC increased from 21% in 2000 to 29% in 2005 (Gribaa et al., 2009: 93).

**Table 2: Women's participation in the labour force, Tunisia and MENA countries 1990–2010**

| Female labour force (% of total labour force) | 1990 | 1995 | 2000 | 2005 | 2010 |
| --- | --- | --- | --- | --- | --- |
| MENA | 18.7% | 19.36% | 20.54% | 21.31% | 22.51% |
| Tunisia | 20.8% | 22.60% | 23.7% | 24.3% | 25.3% |

*Source: ILO Laborsta (Accessed 10th November 2013)*

18 By December 2002 the FNE had assisted 108,029 persons (*La loi 99-101 du mois de décembre 1999 portant loi de finances pour la gestion 2000, Article 13*).

19 From 1997–2001 3,702 women benefited from on-the-job training contracts compared to 4,502 men, 21,791 women gained entry-level work experience and 4,496 gained higher level work experience – 56% of the workers undertaking entry-level work experience and 4% of those undertaking higher-level work experience were women (La République tunisienne, 2004: 25). In addition, by December 2002, of 2,108,029 people assisted by the FNE 31.7% were women (ibid). Through the various programmes conducted under the FNE over 150 women also received specialised skills training and 32,618 women benefited from apprenticeships. A further 7,000 women were registered in public and private vocational training programmes.

**Table 3: Women and executive power in Tunisia**

|  | 2001 | 2004 | 2009 |
|---|---|---|---|
| Government | 9.25% |  | 12.5%* |
| Ministerial positions |  |  | 7.1% |
| Consultative structures |  |  |  |
| Constitutional council |  | 25% |  |
| Economic and social council |  | 20% |  |
| Magistracy higher council |  | 13.3% |  |
| Communication higher council |  | 6.6% |  |

*Source: Gribaa et al. (2009)*

*\* Women represented two out 29 ministers, three out of 25 secretaries of state, one of 30 ministers and five out of 18 secretaries of state.*

Gribaa et al. (2009: 89) argues, however, that despite the growing number of women in the executive branches of government, women remain underrepresented in executive roles (diplomatic functions, governorships, special advisors etc.) both at central and regional level. Moreover, the higher up in the hierarchy, the lower the proportion of women. In local government, for example, women represent only 10–20% of positions and few of these are executive positions; in 2010 there were only five female municipal council presidents (Gribaa et al., 2009; EU, 2010).

### 2.3.4 Development of women's movements

The above indicators focus primarily on quantitative measures of women's increased political representation. In addition to women's formal participation in politics and public office, women's movements also began to develop. In the immediate pre- and post-independence periods, women's voices were articulated around a shared nationalist agenda rather than gender-related issues, but women's organisations had emerged by the mid-1980s (see Table 8, overleaf).

Other associations which developed in the 1980s include the National Commission of Working Women; the National Businesswomens' chamber (CNFCE); the National Federation of Women Rarmers (FNA); the Tunisian Mothers' Association (ATM); as well as women's groups in political parties, religious groups, small leftist networks and the business community (Charrad, 2007).

The significant gains made in achieving greater equality between women and men in the social, economic and political spheres during the 1950s and 1960s led to an increase in women's individual agency in both the public and the private domains. Women's expectations of further progress towards gender equality were, however, frustrated in the changing political environment of the 1970s (Labidi, 2007). By the 1980s, there was a critical mass of educated, professional women who were increasingly dissatisfied with the slow pace of reforms, in particular with respect to the limited advances in women's political representation.

It was at this time that a women's movement in defence of women's rights and interests began to evolve. These organisations were drawn for the most part from the educated and professional elite (i.e. academics, lawyers and journalists) and were largely government or self-funded (see also section 3.4).

The women's organisations that were part of this movement came from a variety of ideological orientations and feminist discourses. The Tunisian women's movement in the 1980s was thus pluralist. While most differentiated themselves from so-called 'Western feminism', they came from very different understandings of feminism, e.g. cultural feminism, liberal feminism, secular feminism, Islamic feminism (Labidi, 2007; Zoughlami, 1989).

Charrad (2007) argues that despite these differences, these various organisations and the government had a common goal – to defend the gains in women's rights under Tunisia's gender legislation (in particular the family law) – and she contends that women's organisations became

**Table 4: Women and legislative power in Tunisia**

|  | 1989 | 1999 | 2002 | 2004 | 2008 | Detail |
|---|---|---|---|---|---|---|
| House of councillors |  |  | 15.2% |  | 15.8% | 126 indirectly elected members |
| Chambers of deputies | 4.3% | 11.5% |  | 22.75% |  | 189 directly elected members |
| Legislative electoral lists |  | 19.6% |  | 30.05% |  |  |

*Source: Gribaa et al. (2009)*

the 'watchdogs of [Tunisia's] gender legislation' (Charrad, 2007: 1525). Goulding (2010), however, underlines the fact that the key women's organisations of the 1980s were those that enjoyed government approval and were willing to promote its particular version of secular feminism. She contends that this created a form of state-sponsored feminism that lacked an independent voice and marginalised a number of women's voices from the debate.

In section 3, we discuss the impact of women's political participation on policy and decision-making and the extent to which women's movements have been able to influence policy in favour of women's equality.

**Figure 4: Historical changes in rates of women in Parliament in Tunisia**
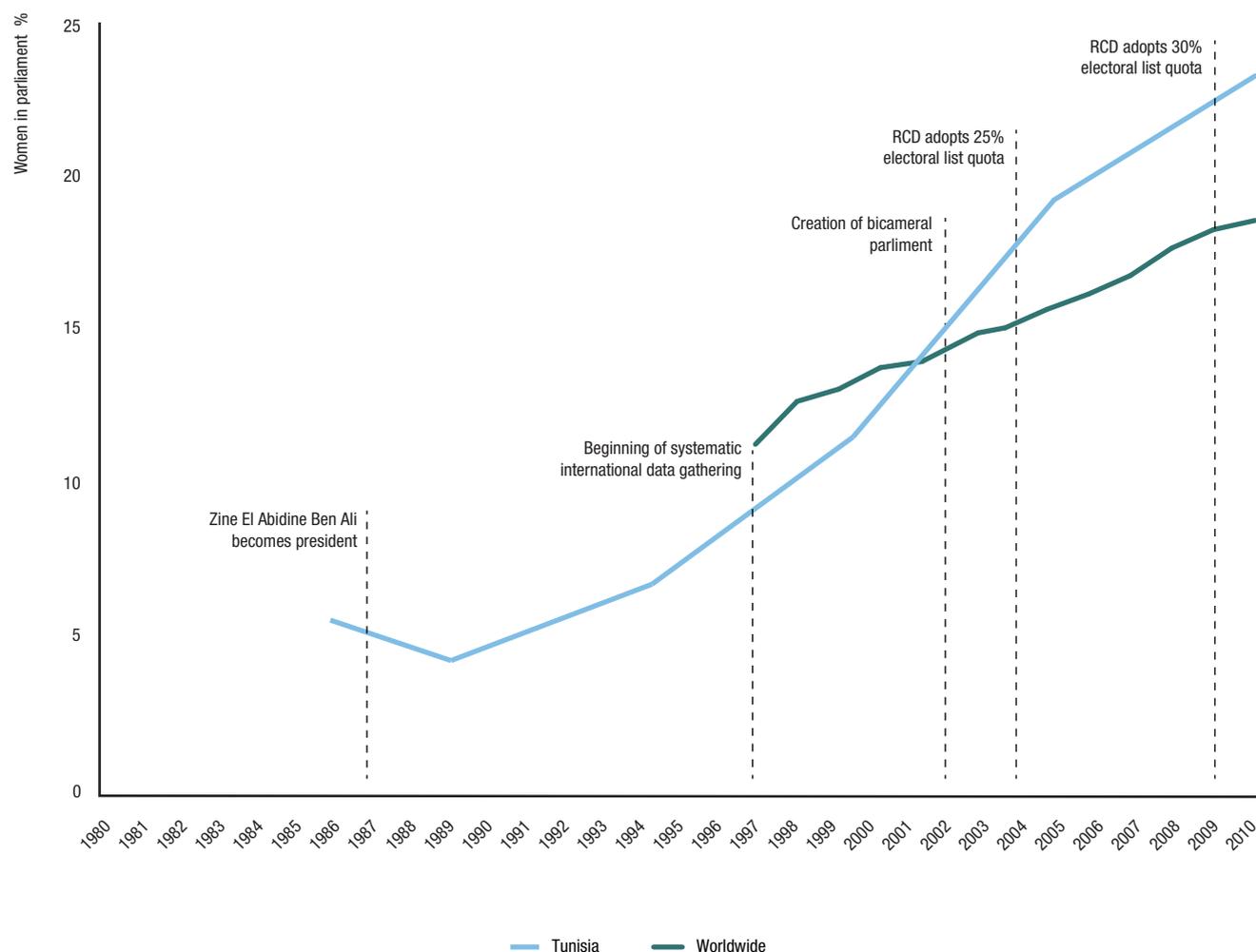


*Source: Goulding (2010: 24) [Data compiled in conjunction with the Center of Arab Woman for Training and the UN International Research and Training Institute for the Advancement of Women , Tunis, Tunisia]*

## Table 5: Women and the justice sector

|  | 2005 | Detail |
| --- | --- | --- |
| Judges | 28.85% | 509 of 1,764 |
| Lawyers | 30% | 1,303 of 4,295 |
| Legal experts | 2.5% | 56 out of 1,863 |
| Notaries | 19% | 185 out of 994 |

*Source: Gribaa et al. (2009)*

**Table 6: Women in local government**

| | 1990 | 1995 | 2004 | 2005 | Detail |
|---|---|---|---|---|---|
| Regional councils | | | 23% | | |
| Municipal councils | 13.3% | 16.6% | | 26% | Elected based on proportional representation list |

*Source: Gribaa et al. (2009)*

## 2.3.5 Structures to promote gender equality

While the creation of complementary structures intended to develop policies to promote gender equality and monitor the implementation of legal reforms can be seen as a factor in women's empowerment in Tunisia (see section 3.4), it can also be seen as an outcome of the empowerment process.

Since the 1990s, government structures (i.e. ministries, national centres and commissions on gender issues) and government-initiated programmes and projects mandated to promote gender equality have begun to have a tangible role in government policy and planning. These structures, mostly funded by the government, with support from bilateral and multilateral donors, perform a number of roles (EU, 2010).[20] They monitor the evolution of the status of women, support women's integration in the development planning and policy process, ensure greater access for women to decision-making positions and give substance to improving women's social, economic and cultural opportunities. The establishment of these gender-related agencies is a milestone in the institutionalisation of the gender equality agenda in Tunisia. A more detailed examination of the impact of this machinery and the extent to which it has been effective at advancing gender equality is given in section 3.4.

While some of these structures appear to reflect requirements laid out in the CEDAW approach to gender equality, which Tunisia ratified (with reservations) in 1985,[21] this was not the primary driving force for their creation. In the 1990s, there was a continued political incentive for the Tunisian government to support gender-related agencies and women's movements. During the 1980s the strength of Islamic fundamentalism grew both in Tunisia and elsewhere – and this posed a challenge to the ruling party's power. To counter this threat, Ben Ali's regime sought, among other strategies, to strengthen ties with advocates of women's rights, for whom Islamic fundamentalism was also a threat (Charrad, 1997: 300). The creation and support for gender machinery during the late 1980s and early 1990s may therefore be understood in light of these wider domestic political developments.

In 1990, the Centre for Research, Documentation and Information on Women (CR-EDIF) was set up to develop studies and research on women. This was followed in 1991 with the establishment of a consultative commission on 'Women and Development', with the objective of bringing women's issues into discussion of national development plans, reflecting on a number of reforms to orient government strategy and policies in ways which promote equal opportunities for women. Since 2007, the Women's

**Table 7: Women in the RCD**

| | 1957 | 1998 | 2004 | 2008 | 2009 |
|---|---|---|---|---|---|
| Grassroots RCD | | | | | 30% |
| Central committee | 3.1% | 21.2% | 26.4 | 37.9% | |

*Source: Gribaa et al. (2009)*

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20  Tunisia has benefited from technical and financial support from European partners and the United Nations specialised agencies to facilitate the implementation of gender initiatives (EU, 2010). For example, the scientific body of MAFFEPA, CR-EDIF has been supported by bilateral and multilateral co-operation and, as a result, provides mechanisms for research exchange on gender equality nationally and internationally.

21  For example, the National Council for Women, Family and Elderly People (CNFF), which supports MAFFEPA in its policy work, is composed of three committees whose work corresponds to three roles of women as set out by CEDAW; reproductive, productive, and social (EU, 2010: 49).

Commission at the Chamber of Deputies has been charged with monitoring the enforcement of women's rights and their representation in national and international structures.

In 1992, the Ministry of Women's Affairs, the Family and Children, and the Elderly (MAFFEPA) was created to co-ordinate and develop government policy for women's promotion. The structure was initially set up as the Secretariat of State for Women and the Family, becoming a ministry in 1996. Its mandate was expanded to include Children and the Elderly in 2002 and 2004 respectively. Following on from a recommendation of the Commission of Women and Development, regional MAFFEPA branches were set up at the local government level to reinforce women's participation in public, political and socio-economic life at the sub-national level. At least until 2010, these regional branches existed in all seven of the country's districts and were given the necessary support to build their capacity. At the national level, MAFFEPA received consistent government funding – its budget doubled between 1994 and 2002 – and it was accompanied by the setting up of a consultative organ, the National Council for Women, Family and the Elderly (CNFFPA), within which women's issues could be discussed.

## Table 8: Key Tunisian women's organisations

| Created | Name | Objectives |
|---|---|---|
| 1956 | National Union for Tunisian Women (UNFT) | The UNFT was the only voice for women in the immediate post-independence era and is represented in all regions and in the remotest parts of the country.* It has formed alliances with professional/special-interest women's groups and operates in a framework of partnerships with governmental structures or national organisations (i.e. in tackling illiteracy). It was the exclusive channel through which women could be elected to the RCD lists in local and national elections and many women who have reached decision-making positions (particularly political) have been UNFT members (Gribaa et al., 2009: 102). |
| 1978/9 | Club Tahar El Haddad** d'études de la condition de la femme (CECF) | Started by elite educated women (executives, teachers, journalists, lawyers, students), the club addressed women's dissatisfaction with women's limited advances in political participation and prompted demands for further rights. |
| 1983 | Union of Tunisian Workers 'women's commission' (UGTT) | Created at a round table organised by CECF. |
| 1985 | The Nissa Group | Created a bi-monthly journal to address women's issues. Its various objectives included the defence of the CPS, encouraging women's political participation, and highlighting the role of women's hidden work. It published eight issues between 1985 and 1987. |
| 1985 | Tunisian League for Human rights (LTDH) | A women's commission of the LTDH was created in 1985. |
| 1989 (April) | Tunisian Women's Association for Research and Development (AFTURD) | Created following political liberalisation in 1987, AFTURD was a response to demands from the various women's organisations and was made up of women academics. It was set up to carry out research on how to integrate women in economic and social development and has a broader societal agenda with a focus on women's conditions. |
| 1989 (6 Aug) | Tunisian Association of Women Democrats (ATFD) | Created following the Copenhagen convention by Arab-Muslim women, the ATFFD takes political, social and cultural action to defend, consolidate and develop women's rights in the face of attempts to curtail them. |

*The UNFT has extensive grassroots membership and up to 2010 had 27 regional delegations and 650 local sections.*
**The Club was named after Tahar Haddad, a reformist nationalist, who published a book in 1930 entitled Women in Law and Society in favour of reforms to give women greater rights.*

Additional institutional support mechanisms included the Observatory of Women's Conditions, founded in 1997 with funding from the United Nations Development Programme to collect gender dis-aggregated data. There was also a concerted effort to ensure that rural women were not excluded from improvements in women's rights and gender equality. The National Commission for Rural Women was set up by decree in 2001, to promote rural women and enforce Tunisia's non-exclusionary and gender equality approach. The national adult education programme and programmes for priority education areas were also focused on women and rural areas. Finally, the National Commission on Women's legislation, which discusses amendments to the CPS, was created (Charrad, 2007). The extent to which these structures drove progress is further discussed in section 3.4.

## 2.4 Institutional and legal progress

Following the first wave of reforms in the post-independence era (1956–1987) a second wave of reforms took place following the first change in Tunisia's political leadership, when the then Prime Minister Ben Ali replaced Bourguiba as President.

This second wave consolidated the previous progress in gender equality and the advancement of women's rights by introducing additional constitutional and legislative reforms. During this period, the policy directions led to additional institutional reform following up on earlier legal changes, including the creation of a number of structures aimed at facilitating legal change, and thus reducing gender disparities in practice. This enabled greater gender equality in social, civil, economic, and political transactions, in both the public and private spheres, to be consistent and cumulative. Below we consider the key domestic legal reforms that took place in this second wave of reform.

### 2.4.1 Legal and policy change in social issues – family law, education, religion – and their implementation

Amendments of the Citizenship Code in 1993 were an important and symbolic legal reform during the second wave of reforms. Tunisia's nationality code was amended to allow children born to a Tunisian mother and a foreign father the right of Tunisian nationality (article 6), with the father's permission. This afforded women greater citizenship rights by recognising matrilineal descent and was a significant step in challenging patrilineality as a source of membership in the political community (Charrad, 2007).

Revisions to the CPS in the same year further promoted gender equality by addressing a number of issues related to the family (such as divorce and child custody). It removed the clause requiring a woman to obey her husband (article 2 of clause 23)[22] and expanded women's rights to child custody after divorce (article 58). In addition, divorced women with custody of children were automatically accorded rights to child-support payments and a fund was established to enable these and alimony payments.[23] These were followed up in 1998 with the introduction of a marital contract and the adoption of a law which gave women the right to joint ownership of marital property brought during the marriage, and to which they were entitled to in the event of divorce or their spouse's death.[24]

The second wave of reforms continued previous reform processes and notable legal changes in the area of social policy critically built on these and further strengthened gender equality. Here we draw attention to further reforms to education and health policy, and the establishment of complementary structures mandated with elaborating policies to promote gender equality and monitor implementation of legal reforms.

Important educational reforms included the 1991 introduction of obligatory schooling for all children under the age of 16 and the increase in the basic education cycle to nine years. This improved girls' access to schooling (see section 2.3).[25] These reforms were also accompanied by other measures to employ better-qualified teachers, which reduced school dropout rates (Baliamoune, 2009: 9), and to ensure that girls have access to university loans and grants (EU, 2010).

In continuation of the reproductive health policy adopted in the immediate post-independence period to reduce fertility rates, the government remained committed to the area of reproductive health. The law of 6 May 1988 further limited child-welfare payments, from four to three children, the impacts of which are discussed in section 2.3.

### 2.4.2 Legal and policy change in economic life (land law, labour law and policy)

With respect to improving women's access to resources and assets, Tunisia has implemented the principle of non-discrimination in a number of laws.

The 1992 amendment of the Labour Code was an important milestone. It introduced non-discrimination between men and women in all aspects of employment including recruitment, promotion and salary, and has contributed to improving women's access to work.

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22  Modified by *loi n° 93-74 du 12 juillet 1993*.

23  *Loi n° 93-65 du 5 juillet 1993*.

24  *Loi n° 98-91 du 9 novembre 1998 relative au régime de la communauté des biens entre époux*.

25  *Loi n° 91.65 du 29 juillet 1991*.

Revisions to the 1983 public-sector labour law in 1997 facilitated mothers' return to work by introducing legal breaks for breastfeeding their child (Article 48b).[26] Similar guarantees were introduced in the private sector (i.e. maternity leave, securing the labour rights of pregnant women so that they could not be dismissed without cause and the provision of time off for breastfeeding) through sector-specific common-accord labour agreements known as 'Conventions Collectives'. In 2000, several articles of the Code of Obligations and Contracts were repealed so that a woman no longer requires her husband's approval to work and he no longer has the liberty to terminate his wife's employment contract.[27]

Since the late 1990s, the government has also established a number of programmes to promote women's integration into the labour market in both the private and public sectors. This has included programmes to integrate women into the labour force, on-the-job training initiatives as well the creation of a National Employment Fund (FNE) in 1999 to provide training to match women's skills to market demands. Female entrepreneurship was also a subject of focus during this period with women receiving specific training in the creation of business and the management of micro-enterprises (La République tunisienne, 2004).

### 2.4.3 Legal and policy change in politics

While advances in terms of formal political rights during this second wave of reforms were nominal, a number of legal reforms confirmed women's right to equal participation in political life. The 1997 revisions to the constitution confirmed the principle of equality in politics by stating that political parties may not discriminate on gender grounds. The amendments also explicitly confirmed the principle of the equality of citizens, regardless of their sex (articles 8 and 21).[28]

Moreover, since 1999, the ruling party's presidential electoral programmes have included initiatives to ensure women's representation in public life. The 1999–2004 programme outlined goals to ensure women accounted for 20% of decision-making positions and electoral structures,

and the subsequent programme (2004–2009) increased this to 30%. Following these programmes, affirmative action, in the form of temporary special measures, was taken by the RCD to integrate women onto the party's electoral lists through the use of quotas. The quota was set at 20% for the 1999 legislative elections, 25% for the 2005 municipal elections, and 30% for the 2009 legislative and 2010 municipal elections (Goulding, 2010: 23). Since 2007, the Women's Commission at the Chamber of Deputies has been charged with monitoring the enforcement of women's rights and their representation in national and international structures.

Goulding (2010) notes, however, that the women who came to power as a result of these RCD quotas in the 2000s were primarily those who were prepared to echo the 'state-sponsored' brand of feminism supported by the then government. As a result, she contends that rather than challenging patriarchal norms, these female politicians served to reproduce existing patterns of power and entitlement (Goulding, 2010: 72). Moreover, she highlights the fact that these women represented only one form of women's voice. The voices of women's groups who did not share the government's agenda were excluded from this process (i.e. those considered too radical, too Islamic or too critical of the government).

It was not until the aftermath of the 2011 revolution that gender parity became a legal requirement, which meant that there was an equal number of male and female candidates for the 2011 Constituent Assembly elections. As a result 27% of the seats were won by women, which marks a significant expansion in women's presence in the political arena. It was also critical given that the Constituent Assembly was mandated with writing Tunisia's new constitution.

Importantly, as discussed in section 3, some of these measures of change regarding the rules of the game of social and economic interaction – less evidently so for political participation – are not only indicators of progress but also enabling factors. The outcome indicators presented in the following section in many respects are connected to these measures of institutional progress.

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26 *Loi n° 97-83 du 20 décembre 1997.*

27 *La loi n° 17/2000, datée du 7 février 2000, abrogeant certains articles du Code des Obligations et des Contrats.*

28 Other legal measures included the 2005 penal code, which reinforced the imposition of sanctions in the case of domestic violence; and the 2005 Code of obligations and contracts, which banned all forms of gender-based discrimination relating to the possession, acquisition, management and transfer of property (for example, enabling both spouses to take out an individual loan for the purchase of a shared house).

# 3. What are the factors driving change?

**'The men and women marching for democracy last month were all the children and grandchildren of women who had grown up with an education and a sense of their rights' – Fatma Bouvet de la Maisonneuve, June 2011**

This section examines four sets of cumulative, multidimensional, and mutually reinforcing factors that have contributed to the expansion of women's empowerment in Tunisia in the past 20 years. While many of these factors can as be viewed as outcomes of women's empowerment they were also key drivers of change:

- The nature of post-independence political dynamics and elite arrangements.
- Political leadership, which has consistently supported policies and reforms that have favoured women's gender equality over a long period.
- The combined effect of policy and legal change in the socio-economic sphere (improved access to health, education and paid employment for women and girls), which has substantially reshaped gender relations and reinforced gains in gender equality.
- The emergence of women's political and social mobilisation for change.

## 3.1 Post-independence political dynamics and elite arrangements

In Tunisia, advances towards gender equality have been embedded in the dynamics of development and change in the government regime. Nevertheless, it is important to note that these advances were the by-product of a commitment to build a modern secular nation and a strong economy, rather than being an explicit objective.

### 3.1.1 Post-independence political development

There are four underlying features of the post-independence political dynamics that favoured gains for women in gender relations: the nature and outcome of the independence struggle; the cohesive post-independence leadership; the relationship between the state and religious establishments; and the reduction in the power of kinship structures.

First, the nature of the independence struggle, in which a modernist nationalist agenda overcame conservative forces, enabled Tunisia's transition to independence to result in progressive social policy changes. Although women's empowerment was not the objective of these changes, the reforms enabled greater inclusion of women in the social and economic sphere, which was in turn a catalyst for further social and political changes. It is also possible that the political elite saw women's equality as a positive objective alongside a number of other liberal and secularising political objectives.

When Tunisia became a French protectorate in 1881 it already had a centralised political structure with a developed administrative apparatus, borders which were largely accepted by its relatively homogenous population and strong interactions between the political centre in Tunis and rural groups, based on a long history of external trade (Charrad, 2001: 89, 94). The presence of an administration that could be used by the colonial power, along with weak tribal organisation, meant that, in contrast with its other North African colonies, France decided to co-opt the Tunisian political elites and leave the existing power structures in place. The result was that Tunisia's colonial experience was characterised by a reasonably high level of political and economic continuity (e.g. the monarch, the Bey, was kept in place).

These conditions facilitated the creation of a nationalist movement that was able to mobilise the majority of the population around a single agenda in the pursuit of national independence (see Box 5). As a result, the struggle for independence in Tunisia was unified, but required an alliance between two fundamentally opposed factions – a traditional, conservative faction and a modern nation-building, reformist faction (Charrad, 1997: 293).

When Bourguiba became Tunisia's Prime Minister in 1956,[29] he was beholden to the patronage networks of the urban elites and labour unions upon which his power base rested, the dynamics of which shaped post-independence Tunisian politics (Baliamoune, 2011; Baliamoune-Lutz, 2009). The newly independent state neutralised and

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29  Habib Bourguiba was proclaimed Prime Minister when Tunisia received independence from France on 20 March 1956 and then head of State in 1957 when Tunisia abolished its constitutional monarchy (ruled by the Bey of Tunis) and became a Republic on 25 July 1957.

**Box 5: Tunisia's unified independence movement**

The Neo-Destour Party (NDP) was created in 1934 and served as the principal organisation through which Tunisia's national struggle for independence was fought. Its membership was drawn from urban and rural areas, different social classes and encompassed various regional groups. After the establishment of the Tunisian General Labour Union (UGTT), in 1940, there was close co-operation between the two organisations and the labour and nationalist movements joined forces.

This broad support base enabled the NDP to incorporate two ideological tendencies within a single structure and to mobilise the country around a united national effort. Nevertheless, a conflict between two factions began to appear in the 1950s:

- A conservative faction led by the pan-Islamist, Salah ben Youssef, whose support came from traditionalists, tribal groups from the rural areas, and the religious establishment.
- A reformist faction represented by the modernist Habib Bourguiba, who found support in Tunisia's urban and business elites, and progressive labour unions.

At a special meeting of NDP in November 1955 to address this rivalry, the backing of the labour union for Habib Bourguiba tipped the balance and he was re-elected as party president. Ben Youssef's faction was expelled from the organisation.

Source: Charrad (1997, 2001)

incorporated both the old and new political elites and organised interest groups (educated and business elites, labour and trade unions) into an alliance which created the conditions for an elite consensus in favour of building a modern nation based on a state-led development model (Baliamoune-Lutz, 2009: 17; Charrad 1997, 2001). As Alexander (1997: 36) describes it, Bourguiba set out to become Tunisia's chief patron rather than solely a political patron.

Second, the cohesive post-independence leadership was critical in neutralising resistance to reforms in pursuit of broad-based social transformation. As described below (and previously in section 2.1), following his ascension to power, Bourguiba rapidly weakened Ben Youssef and his political support base and effectively eliminated his political rivals from the post-independence political landscape. This enabled Tunisia's state- and nation-building process to evolve in relative autonomy from local kinship networks and the religious establishment, as the new leadership faced little challenge in implementing its modernisation reforms.

Once established, these reforms generated a climate in which a new set of debates and reforms could take place. For instance, in the late 1980s and 1990s, reforms were able to address women's citizenship rights and the level of their participation and representation in public life (see section 2.4). Further reforms of family law gave women greater rights of custody of their children. These reforms shifted women's ability to end unsatisfactory marriages and fundamentally changed the conjugal contract – giving women greater voice and agency in the marriage, family and home. This had broad implications for women's ability to engage in paid work, be geographically mobile, engage with health and education services, and increased the likelihood that they would express themselves politically.

A third factor leading to greater women's empowerment was the separation of the religious establishment and the state and the removal of religious influence from important public institutions and spaces. The body of institutional reforms undertaken by Habib Bourguiba following independence rewrote the nature of the relationship between the state and the religious establishment and radically altered these patriarchal social relations.

The removal of the religious establishment from the executive functions of the state (i.e. judiciary, political decision-making processes) and as a provider of public services (i.e. Islamic instruction in education) facilitated the creation of a secular and modern state.[30] This significantly reduced religious jurisdiction and control over women's lives. The regulation of citizens' lives – including women's, which had previously been confined to the private realm – now became part of the public domain. This weakening of religious influence had positive implications for women. For example, marriage became a civil rather than a private matter and was based on the principles of gender equality, while the education of girls and women became a responsibility of the state. This secularisation of institutions reduced the scope for patriarchy and expanded women's access to social spaces, enabling them to benefit from progressive policy trends.

30 Islam has always played an important role in Tunisian social and cultural identity and, prior to independence, the religious establishment was extremely powerful. As such, Tunisian society operated under the widespread presence of the Maliki School of Islamic law (Charrad, 2007; EU, 2010). The inherently patriarchal nature of Shari'a, which permits male relatives to control women, ensured that power rested in the hands of male members of the extended kin-group and was transferred by the patrilineal line.

The final factor, the commitment to break with tribal/kin-based structures, was also important to gender relations.

The power struggle between the modernist and traditional elements of society on the eve of independence, which had represented a threat to national unity, provided a strong incentive for the introduction of a first wave of reforms, which would diminish the power of kinship groups and the religious establishment. Similar to other Maghribi societies, in pre-colonial Tunisia, political, social and economic organisation was structured around local kinship groupings in which the extended kinship (family) network wielded considerable power over the nuclear family unit (Charrad, 1997: 290). Following Tunisia's independence, Bourguiba moved quickly to eliminate the political leverage of those who had opposed the modernist state-building agenda and implemented a series of administrative measures and reforms to radically weaken these power structures (Charrad, 1997, 2001, 2012). Collective tribal ownership of land was abolished (1957) and divisive territorial administrative reforms (from 1956) were introduced to reduce the power of local, regional, and kinship networks (Charrad, 2001: 211-12; 2012). At the same time, reforms were taken to weaken the religious establishment by reducing its financial base through the abolition of Islamic property rights (1956–57), diminishing its moral power by secularising the justice system (1956) and abolishing the independent power of Islamic courts (Charrad, 2001: 214-5). The promulgation of the Code of Personal Status (CPS) in 1956, which fundamentally challenged 'kin-based patriarchy', was part and parcel of this strategy to marginalise kinship groups and religious authorities (Charrad, 2007: 294-5).

The key consequence of these immediate reforms was that it eliminated any resistance to Bourguiba in the aftermath of independence and enabled him to follow his reformist agenda unchallenged (Charrad, 2001: 211). In this respect the outcome of the nationalist struggle helps to explain the minimal resistance to far-reaching family reforms during the first phase of reforms (Charrad, 2001: 223). This enabled Tunisia to pursue broad-based social transformation as a means of creating a modern nation state, and set the foundations for a progressive policy agenda in the first decade after independence, particularly in the area of social policy (family law, education and health) and economic policy (land rights and labour legislation).

Although the underlying reasons for the reforms was to eliminate opposition to Bourguiba's modern state-building agenda and to reduce the power of the extended family over men rather than women, the reforms resulted in a significant increase in women's formal individual rights within the family and, by extension, in larger society (e.g. henceforth a married woman held greater decision-making power regarding the nuclear family did than her husband's parents). The formal increase in women's rights appears to have been instrumental in creating an enabling environment for further legal reforms in favour of women's equality and greater space for women's political and social empowerment.

These key factors were supported by the compliance of the judiciary and bureaucracy with the legal framework (further discussed in section 3.2) and reinforced by progressive social policies that have contributed to increasing women's awareness of their legal rights (discussed in section 3.2). They thereby contributed to a loosening of patriarchy in the private sphere and substantive changes in the public sphere.

### 3.1.2 Alignment of elite interests with a gender equality agenda

At key junctures in Tunisia's state-building process, the interests and incentives of the political and business elites have resulted in political and policy-making processes that have promoted gender equity concerns, both nationally and internationally.

In the 1950s, President Bourguiba's early reforms, such as the introduction of the family code, the suppression of *waqfs,* and the outlawing of religious courts were used as a political instrument to eliminate the traditionalist faction of the rival nationalist movement (Baliamoune, 2011). Increased women's equality during this early period of reform was a by-product of this political strategy not an outcome of feminist mobilisation or of an explicit gender equality agenda. Nonetheless, the broader transformation of social power structures that ensued created an enabling environment in the later period in which women's individual and collective agency was able to push for gender equality. Women's empowerment in Tunisia did not therefore originate in women's agency; rather, women's autonomy and capabilities that were enabled by earlier reforms and social policies helped to underpin action by later generations of women.

The post-independence political dynamic was based on co-operation between important interest groups (the political elite, producer associations and progressive labour unions). The policies of neutralising and co-opting these powerful interest groups limited domestic resistance to the state's social and economic reforms (Baliamoune-Lutz, 2009; Alexander, 1997). These interest groups had a shared incentive in investing in human capital as a means of creating a more skilled labour force, and this had favourable outcomes for women (Charrad, 2001; Baliamoune-Lutz, 2009; Baliamoune, 2011). The political commitment to building human capital provided a rationale for allowing women access to education and paid employment, as well as being an economic motive to reduce fertility rates, and it paved the way to more progressive education policy.

Both the political commitment to build greater human capital and the weakening of traditionalist kinship power structures enabled the introduction of progressive reforms regarding women's rights and freedoms that were unprecedented in the Arab world (Charrad, 2007; EU, 2010).

During the 1970s, the political elite faced a mounting threat from socialist movements and in order to preserve their political legitimacy they increasingly aligned themselves with conservative Islamic currents (Charrad, 1997; Baliamoune, 2011). Although this alliance precipitated a slowdown in Tunisia's progressive social and economic reforms, in particular with respect to gender equality, it was not until the early 1980s that support for Islamic fundamentalism began to have enough momentum to reverse the advances in gender equality (see section 3.1) (Labidi, 2007; Baliamoune, 2009; Charrad, 2007). In the 1980s, encouraged by the success of the 1979 Iranian revolution and the increasing influence of political Islam in the Maghreb, a political Islamic movement developed in Tunisia and Islamic fundamentalists began to focus on achieving state power (Charrad, 1997: 300; Labidi, 2007: 12; Baliamoune, 2011: 5). It was at this point that political Islam first began to pose a threat to the reformist agenda of the Tunisian state (Labidi, 2007; Charrad, 2007).

Crucially, even during this period, when progress on women's rights stagnated due to this alliance between the political elites and conservative Islamic currents, the earlier advances in women's empowerment were not reversed, despite increasing pressure from Islamic groups.

Another positive moment in women's empowerment occurred during the late 1980s and 1990s, when the growing influence of political Islam became a major domestic threat to the established power structures in Tunisia. At this time, following Tunisia's change of political leadership, and in order to counter the threat of political Islam and maintain the support of the middle classes and business elites, the political elite sought an alliance with women's organisations (such as the UGTT and UNFT), to whom the traditional religious establishment also posed a threat (see section 3.1 for more detail).

Following a protracted illness, in 1987 President Bourguiba was declared unfit to rule. Prime Minister Ben Ali took power in a peaceful constitutional coup (Baliamoune, 2009; Charrad, 1997: 315). This change of leadership happened in an era characterised by economic stagnation and rising economic hardship (Bechri and Naccache, 2003). It also followed a period in which left-wing politics had become increasingly popular (Baliamoune, 2011: 4) and in which fundamentalist Islam was becoming a political force in the MENA region (Charrad, 1997: 298).

Ben Ali was well aware of the challenge these two major constraints – economic stagnation and political Islam – presented both to the established order and to his own political survival when he took up office (Bechri and Naccache, 2003; Alexander, 1997). Power was still rooted in the Tunisian middle class and business elite, who felt threatened by the rise of Islamic fundamentalism, but Ben Ali recognised that he did not have the same political clout with these networks as Bourguiba had enjoyed (Alexander, 1997: 37). In order to gain legitimacy among the business elite and regain popular support for the party, Ben Ali sought alternative alliances to push back the rise of fundamentalism.

While Tunisian women had played an important role in the independence struggle as members of the national trade unions and the NDM, their voices had been articulated purely around a nationalist agenda rather than gender equality issues, and women's collective agency did not play an important role in the first wave of socio-economic reforms. In contrast, as Charrad notes, 'women's associations emerged and the feminist discourse came to the forefront of public debates in the 1980s and 1990s' (Charrad, 2007: 1522-3) (discussed in depth in section 3.4). These women's groups were concerned about the threat that Islamic fundamentalism posed to advances in gender policy and Ben Ali's government actively courted and supported women's associations and organisations (Charrad, 1997, 2007, 2012; Labidi, 2007).[31]

Ben Ali also sought international support from France, the UK and the USA during the 1990s and 2000s, creating political and economic links based on a common fight against Islamic fundamentalism (Charrad, 1997; Bennhold, 2011; Goulding, 2010). External relations were an important means of counteracting domestic unpopularity at home and political relations with the West provided an impetus for a new wave of progressive policies with regard to gender policy in this period (Charrad, 1997) (see section 3.1.2).

Furthermore, when radical Islam became a wider geo-political concern for the international community in the late 1990s and early 2000s, President Ben Ali exploited this to appease the international criticism of Tunisia's restricted political space and defuse the pressure to democratise (Bennhold, 2011; Charrad, 1997; Goulding, 2010). His government's support of the fight against terrorism and Islamic radicalisation made him an important Western ally.

These domestic and external political interests led to policy changes that supported women's empowerment in different ways. This included the introduction of important initiatives to strengthen women's rights, in particular additional legal reforms (for example, the 1993 reforms of the CPS and the citizenship code) and institutional change, such as the creation of a ministry of women's affairs. Although the political agency of women's movements at this time contributed to shaping these reforms (discussed in section 3.4), they were essentially top-down policies driven by the ulterior motives of the political elite.

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31  Charrad (1997: 300) notes that in 1991, the National Union of Tunisian Women, which was financed by the state appealed to 'all citizens, and foremost to Tunisian women, to show vigilance especially at this time… and to mobilise themselves even more around our President' following the discovery of a fundamentalist plot.

## 3.2 Top-down political support for pro-gender policies

Despite the fact that they limited political rights, both of Tunisia's post-independence regimes consistently supported policies and reforms that created an enabling socio-economic environment for women's empowerment. This was in part due to the coincidence of domestic and external interests in supporting policy processes that, intentionally or not, supported gender equity. Sustained political will has ensured that legal reforms were accompanied by a mutually reinforcing institutional system and the introduction of a wide range of complementary reforms (in cross-cutting sectors and policy areas) which integrated gender into planning processes so that equality has been translated into clear objectives.

### 3.2.1 Gender equality and religion in Tunisian politics

The Tunisian political elites have consistently upheld the principle of depoliticising religion and marginalising the role of the religious establishment in political affairs (see above for further discussion). Even so, early reforms favouring women's rights were firmly rooted in Islamic intellectual traditions and were successfully communicated to the electorate as part of broader desirable transformations of state modernity.

Although the weakened power of the religious establishment in the immediate post-independence era helped to limit resistance to the progressive reforms that supported greater gender equality, the commitment of successive political elites to Islam as a cultural and moral institution was also important. Both Bourguiba and Ben Ali embraced Islam as Tunisia's national religion, and their attempts to co-opt the religious elite demonstrated a clear understanding that securing its support was necessary in order to bring about sustained, radical social change (Baliamoune, 2011).

During the formulation of the CPS, for example, Bourguiba made reference to earlier phases of interpretation (*ijtihad*) that mark the evolution of Islamic legal thought (Charrad, 2001: 221). Finding a justification in the Islamic tradition for the reforms succeeded in limiting religious resistance to its implementation and, as Charrad (2011: 421) notes, this enabled the codification of Islamic law in Tunisia in ways that expanded women's rights, effectively eliminating religious jurisdiction over women's private life. In addition, during the 1970s and 1980s, the state strengthened symbols of Islamic identity and abandoned some commitment to reform processes (i.e. inheritance laws) that might have provoked confrontation with the religious establishment (Charrad, 1997: 299).

Implementation of the CPS, which fundamentally altered social relations and constitutes a defining moment for women's rights in Tunisia, may not have been possible without actively co-opting progressive elements of the religious elite. Ben Ali's employment of religious symbolism in the 1990s (e.g. having prayer times announced on national television) as a means of co-opting and negotiating a truce with the religious elites was also key to limiting resistance to subsequent reforms that might favour women.[32] Maintaining the support of the religious elite, both during the first phase of reforms from the 1950s through to the 1980s, as well as in the second wave of reforms in the 1980s and 1990s, accorded the state a moral legitimacy which enabled the party and its policies to be favourably perceived by the wider population.

### 3.2.2 Sustained political support for pro-women reforms and the power of gender machinery

Progress in establishing formal rules has been accompanied by a range of measures across mutually reinforcing policy areas and sectors sustained over a period of time, including the development of institutional mechanisms and structures to monitor the status of women. This has contributed to substantive improvements in women's opportunities in all fields: education, vocational training, involvement in development activities (e.g. participation in the preparation of the five-year development plans through the work of the Commission on Women and Development), and access to decision-making positions (see also section 3.2.3).

In practice, the multi-dimensional approach to policy reform involved not only establishing a comprehensive legal framework but also consistent efforts to increase the mandate, capacity and incentives of state institutions (e.g. judiciary) and bureaucracies to implement equality-enhancing legislation. The judiciary has played a critical role both in applying the law consistently and ensuring that state bureaucracies comply with it. For instance, the Tunisian government did not stop at making polygamy illegal in the 1956 CPS. Sanctions were specified and additional measures were taken to ensure the application of the law. Attempts to enter into a bigamous marriage became punishable with a year's imprisonment and a fine of the equivalent of US$500, and in 1964 a new law declared bigamous marriage null and void. This was accompanied by the imposition of tough sanctions, including imprisonment and fines against both men and women, which judges were strongly encouraged to enforce (Charrad, 2001: 228; 2007: 1520). There has therefore been a concerted effort to ensure that the legal, policy and practical environments are coherent and mutually reinforcing. This has been central to enabling formal changes to bring about substantive changes.

The elite agreement underpinning Tunisia's policy direction in the post-independence era limited political and social opposition to reforms, giving President Bourguiba the necessary space to build coalitions that supported

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32 A similar process involving co-optation and negotiation has been employed in the post-revolutionary context in building the new constitution.

change, including within the judiciary, and to increase the state's bureaucratic capacity, essential for implementing the reforms (Bechri and Naccache, 2003). Bechri and Naccache (2003) note that the commitment to implementing key aspects of the CPS was made by the President himself,[33] and that following its introduction, he was active in efforts to support attitudinal change and to win support for the reforms – for example by making women's issues, girls schooling and population control regular themes in his speeches (Bechri and Naccache, 2003: 14).

As noted in section 2.3, the establishment of gender-related agencies was a milestone in the institutionalisation of the gender equality agenda in Tunisia. The capacity of this gender machinery to elicit support for policies in favour of gender equality has helped in advancing such goals.

A number of key actors are considered to have initiated and generated change, in particular with regard to women's participation in political life. Gribaa et al. (2009) argues that the Ministry of Women, Family, Childhood and the Elderly (MAFFEPA) has been a significant force for change in favour of women. At the executive level, MAFFEPA has played a central role in implementing national policy and developing national strategies and programmes and has helped to promote women's participation in political life (Gribaa et al., 2009). The Ministry's power and responsibility have been increasing since 1992 and by 2009 it was co-ordinating the various women's commissions (Women and Development, Women's National Council, Family and Elderly) as well as following up on the implementation of gender-related measures taken at the government level (including the Presidential programme). MAFFEPA's achievements include numerous action plans supporting women and the family, and the creation of and support to institutional mechanisms and infrastructure, such as the Observatory for Children's Rights and the Observatory for the Family (EU, 2010). Together, these gender-related agencies encompass policy guidance, the development and implementation of reforms and programmes, research and data collection and collation, and specific support for rural women.

The active collaboration of line ministries and government agencies under the purview of MAFFEPA is also crucial, allowing gender concerns in public policy to be addressed in a relatively comprehensive manner. Of particular importance in this respect is the Women and Development Commission, which brings together representatives from the government, NGOs, unions and academia to propose and promote actions to enhance women's status in all development sectors. In 1991, the Commission was asked to reflect on a number of reforms to orient government strategy and policies intended to promote equal opportunities for women. A number of its recommendations – such as the creation of the Ministry

of Women – were adopted in 1992 and referred to in the President's speech of 13 August that year (Charrad, 1997; EU 2010). Since its creation the Commission has also participated in Tunisia's development planning process. It was instrumental in integrating assessments of the implications of public policy (action, legislation and programmes) for women into the country's eighth development plan (1992–1996). In addition, as a result of its work, the concept of gender was institutionalised in the ninth development plan (1997–2011), and budgeting that contributes to the advancement of gender equality was introduced in the eleventh development Plan (EU, 2010).

The influence of gender-related agencies on women's status in Tunisia can also be seen in the numerous programmes implemented following the creation of MAFFEPA. For example, MAFFEPA designed two national action plans recommending legislative and institutional measures to support family life, a national action plan for the promotion of rural women, and a national strategy against gender-based violence. These initiatives were developed in collaboration with NGOs, service providers, and government ministries and so fostered networking among government and non-government organisations to align their work and increase understanding of gender concerns. Most of the work of MAFFEPA and the other gender-related agencies involves research, training monitoring, and advocating the integration of gender concerns into a range of public issues.

The strategic decision to support policies that favoured gender equality, albeit motivated by other interests, has meant that the presence of women in public office has done more than simply implement programmes to provide specific support to women. It has resulted in substantive changes that have begun to challenge institutional discrimination against women (see section 3.4 for further discussion).

### 3.2.3 Nature of a dominant party political system

In Tunisia's political system, where a single party represents a significant majority of the elected legislature and municipal officers, the party's commitment to increase the public position of women has been a key factor in women's increased political representation.

In this context, decisions taken by the Constitutional Democratic Rally (RCD) to increase women's political participation have been important. The voluntary adoption of gender quotas for candidates fielded in legislative and municipal elections has been particularly valuable in increasing women's representation in public life (Goulding, 2010). Although gender quotas in pre-revolutionary Tunisia were voluntary and not widely adopted by opposition parties, the RCD's decision was critical to increasing women's political participation because of the sheer number of women involved given that the RCD

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33 Bourguiba had created a commission in 1956, which was mandated to examine women's status in Tunisian society. The commission failed to reach a consensus and the President decided to promulgate the CPS by decree (Bechri and Naccache, 2003: 13).

represented a significant majority of elected officials prior to the January 2011 Jasmine Revolution. The expansion of women in public office can therefore be directly linked to the temporary measures regarding quotas for women on RCD electoral lists (at legislative and municipal level) in the 1990s and 2000s.

The inclusion of women in the RCD's electoral lists was in line with the Presidential electoral programmes, which included initiatives to increase women's representation in public life. These programmes, which ran from 1999 to 2004 and 2004 to 2009, followed a period in the early 1990s in which Islamic fundamentalism had become a threat to the RCD. As discussed in section 3.1, this created an incentive for the RCD to build alliances with women's associations. The RCD's introduction of gender quotas and measures supporting women's representation reflects, at least in part, its need to consolidate its support of women's groups to bolster its power base against the Islamist threat.

Following the 2011 revolution, the transitional authorities brought gender parity into law, requiring an equal number of male and female candidates for the 2011 Constituent Assembly election. This gave women the opportunity to participate in drafting the new constitution and women candidates claimed 27% of the seats in the Constituent Assembly.

While women's access to decision-making roles, including to high public office, has increased in Tunisia, there are still very few female ministers and the extent to which women's political voice and empowerment have improved is limited by the constrained nature of the general political environment. Nonetheless, while Tunisia's political regime was repressive (until 2010), elite interests' alignment with gender equality over a 50-year period has created some enabling conditions for women's empowerment.

## 3.3 Social-economic policy

The implications of socio-economic reforms that took place in the 1950s and 1960s had far-reaching impacts on gender equality and women's empowerment. Although the initial pace of social reforms gave way to more conservative policies in the 1960s and 1970s, women's earlier gains were not reversed. The presence of an enabling legal and constitutional framework in conjunction with these progressive socio-economic policies prior to the 1980s was a key factor in broadening women's empowerment in Tunisia between 1990 and 2010. This is the foundation of improved formal rights for women (Baliamoune, 2009) and has increased women's individual agency in private and public spheres.

Furthermore, the progressive education and development policies in the 1950s, which favoured a reduction in fertility rates and female access to schooling and paid employment, planted the seeds for the women's movement that began to flourish in the 1980s (Charrad, 1997). As discussed in section 3.4, improvements in the socio-economic sphere contributed to increasing women's collective agency and voice in Tunisia, which in turn helped to increase women's representation in the political sphere in the 1990s and 2000s.

### 3.3.1 Women's reproductive health

Tunisia's commitment to population control as an integral part of its development strategy in the post-independence era laid the foundations for improvements in women's health in general and in women's reproductive health more specifically (Bechri and Naccache, 2003; Baliamoune, 2009). Legislation to raise the minimum age of marriage for women and the introduction of pioneering family-planning policies in the 1950s and 1960s (e.g. legalisation of contraception and abortion, and welfare reforms to discourage large families) contributed to reducing the country's fertility rate in the immediate post-independence era (Baliamoune, 2009). Bechri and Naccache (2003: 17) note that Tunisia's success in controlling fertility rates was accompanied by an increase in girls' enrolment in primary education and women's participation in the labour force, and argue that this enabled the country to enter a 'virtuous circle' in which reduced fertility rates enhanced socio-economic development which in turn reinforced population control. Baliamoune (2011: 20) also highlights the link between reduced fertility rates and access to education, noting that the significant decline in fertility rates was associated with a substantial rise in female enrolment in formal education, particularly at the tertiary level.

According to the World Bank, government expenditure on health as a percentage of GDP rose marginally from 1995 to 2010, from 2.8% to 3.1% (see Figure 5),[34] while health expenditure as a percentage of total government spending rose from 8.2% to 10.6% (see Figure 5).[35]

Research indicates that while the uptake of contraception has helped to reduce fertility rates in Tunisia, the initial decline in the post-independence era was determined by a rise in the average age of marriage – a result of the higher age limits for young women to marry in the family law[36] (Eltigani, 2009; EU, 2010). Comparative research by Eltigani (2009) on the decline of fertility rates in Egypt and Tunisia found that the impact of contraceptive use in Tunisia became evident only from the 1980s onwards. She also noted that the fertility decline

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34 Tunisian government figures show a slightly declining trend, from 2.2% of GDP in 1990 to 1.7% in 2009.

35 Tunisian government figures show a rise from 7.5% in 1990 to 9.1% in 1998 then falling to 6.8% in 2009.

36 Of all Tunisian women born between 1964 and 1968 only 9.7% were married by the age of 18 compared to 30.5% in Egypt, and this fell to 4.5% for the cohort born between 1976 and 1980 in Tunisia compared to 19.5% in Eygpt.

**Figure 5: Public health expenditure as a percentage of Tunisian GDP, 1995–2011**



■ Total government expenditure (% of GDP)　　■ Health expenditure (% of GDP)　　── Health expenditure (% of total government expenditure)

*Source: World Bank http://databank.worldbank.org/data/views/variableSelection/selectvariables.aspx?source=world-development-indicators*
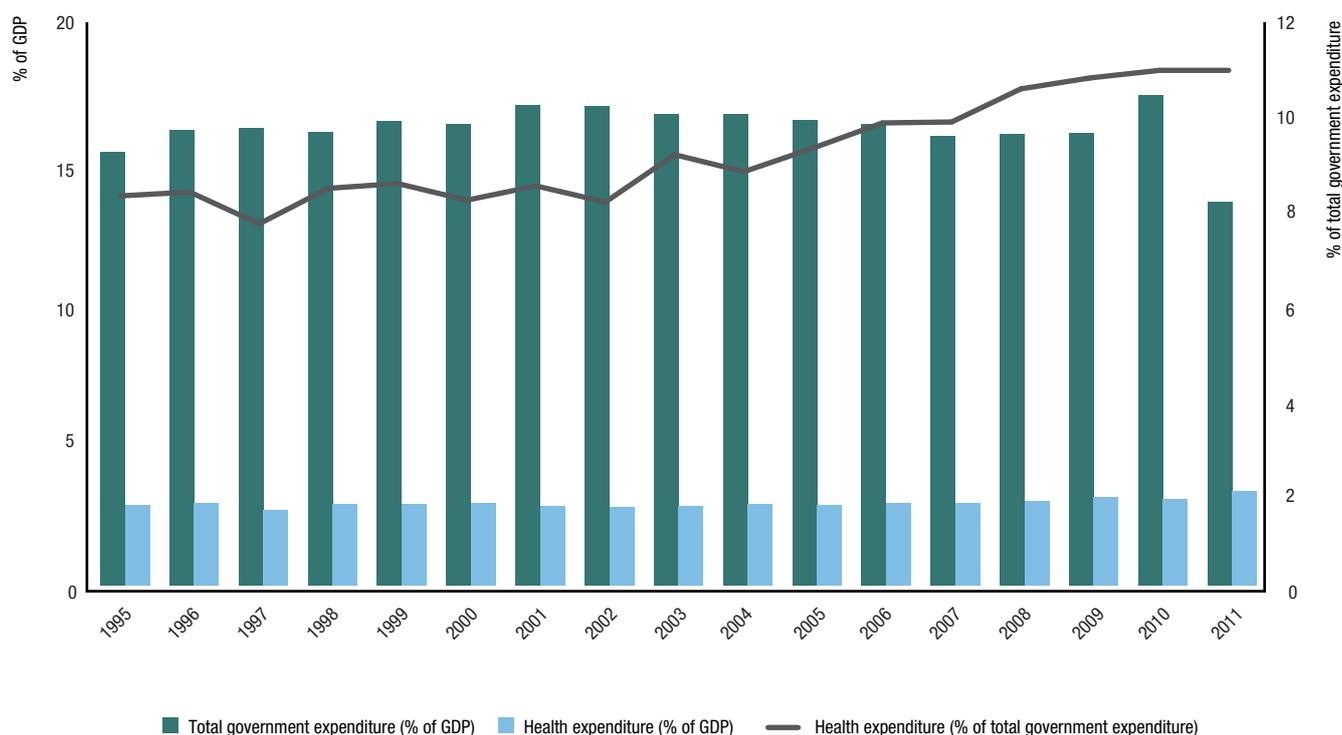
in the post-independence period was rapid and sustained across all geographical regions and levels of educational attainment (Eltigani, 2009).

Complementary laws, such as those limiting welfare payments and tax allowances for families with over four children, also acted as a disincentive to have large families. Eltigani (2009) noted that this integration of Tunisia's family-planning programme into wider socio-economic frameworks (such as taxation, family welfare allowance and labour legislation) was critical. This suggests that reforms of family law, and more importantly their application, were pivotal in bringing down the fertility rate in the immediate post-independence era. This is important because lower fertility rates indicate that women have more freedom to make decisions regarding their bodies, family size, education and employment (EU, 2010).

The increased capacity to make their own choices about marriage and motherhood are an essential element in women's social empowerment. In this respect, enhancing women's reproductive choices directly contributes to women's social empowerment and indirectly contributes to their economic, political and social empowerment more broadly. Reduced fertility, which means that women dedicate less time to bringing up children, tends to

correlate with higher levels of educational achievement, literacy rates and access to paid employment (Baliamoune, 2009; Bechri and Naccache, 2003). Baliamoune (2009) notes that in Tunisia, a significant reduction in fertility rates has been associated with a substantial increase in female school enrolment, in particular in further education.

### 3.3.2 Education

Since independence, Tunisia's sustained commitment to nationalist/secular social policies to improve human development, and the importance accorded to education in this context, has been a key element in Tunisia's success in improving women's educational attainments (Baliamoune-Lutz, 2009). This has been important in contributing to capabilities and resources for women's agency.

Since independence, Tunisia has invested significantly in public education, especially in secondary and tertiary education. World Bank figures show that government expenditure on education remained relatively constant between 1995 and 2010 at between 6-6.5% of GDP (see Figure 6).[37] Expenditure on education as a percentage of total government expenditure rose significantly in the period for which data are available (2000–2010), increasing from 17% in 2000 to 23% in 2008 before falling to

37 Tunisian government figures show a similar picture within a lower range of between 4.5-5.2% of GDP.

**Figure 6: Public education expenditure as a percentage of Tunisian GDP, 1995–2011**



Total government expenditure (% of GDP) ■ Education expenditure (% of GDP) ■ Education expenditure (% of total government expenditure) —

*Source: World Bank*
*http://databank.worldbank.org/data/views/variableSelection/selectvariables.aspx?source=world-development-indicators*
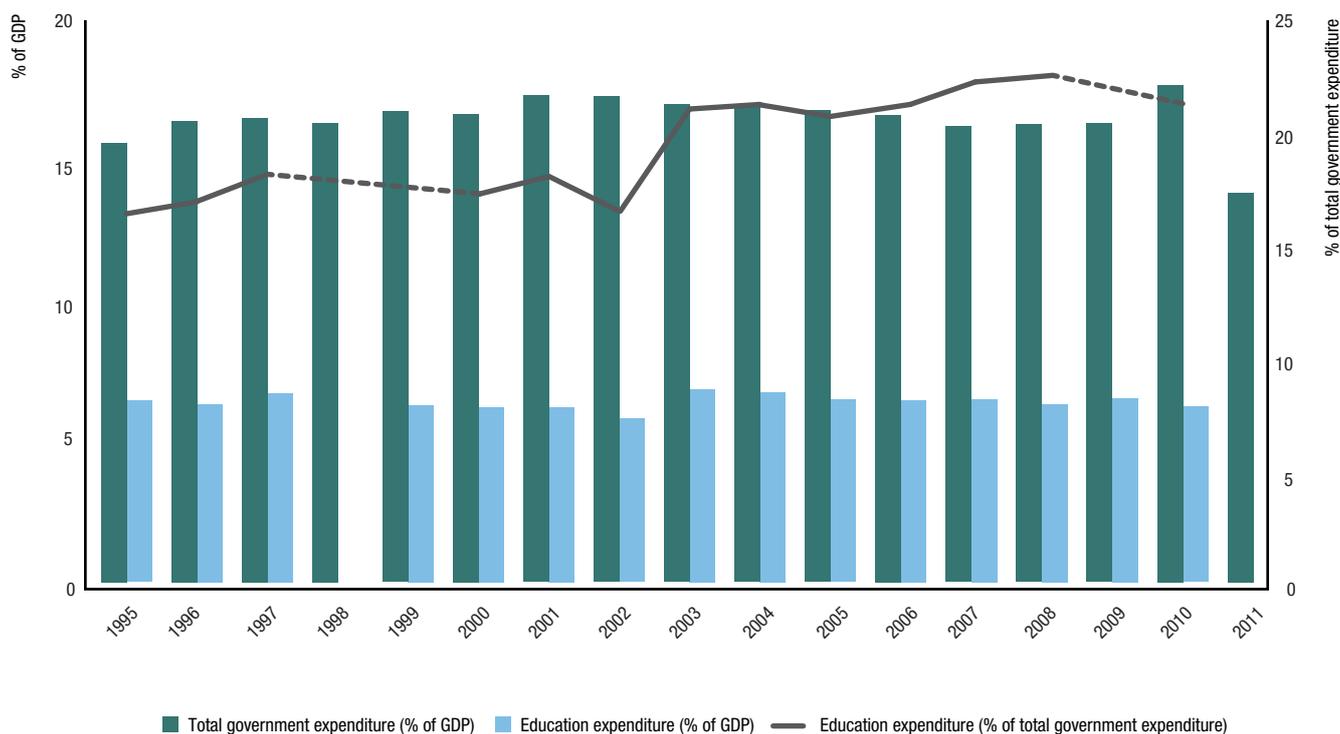
22% of expenditure in 2010 (see Figure 6).[38] Tunisia has thus reached the Millennium Development Goal (MDG) Education for All target of dedicating 20% of public expenditure to education.

Baliamoune-Lutz (2009) argues that this policy can be explained by the post-independence politics of co-optation, which gave rise to an alliance between the political elites and the urban, educated business elite – including the labour unions. This alliance influenced development policy in favour of the expansion of the export-oriented manufacturing sector, which generated an increased demand for a skilled urban labour force. These demands were a strong incentive and hence a key element in the expansion of access to education in Tunisia in the 1950s and 1960s, including for girls and women.

Overall, education policy and attitudes towards women's education in Tunisia have followed a positive, though interrupted, trajectory since the 1950s. For example, while all children were accorded the right to free education in 1958,[39] during the 1970s, when the ruling party felt threatened by socialists and Marxists, President Bourguiba

sought a closer alliance with Islamist groups, increasing the Islamic content in the curriculum and reminding women that their main place was in the home (Baliamoune, 2011: 4). In the early 1990s, when the Islamist groups became a challenge to the ruling party, it formed a stronger alliance with women's rights advocates in order to strengthen its hold on power. This coincided with the 1991 education reforms, which made school attendance compulsory until the age of 16 years (see sections 2.3 and 2.4). Thus, as with other indicators of gender equality in Tunisia, progress in women's access to education has been largely shaped by the elite political settlement, which continues to fluctuate under the opposing influence of modernists and religious traditionalists.

Law No. 65 enacted as part of the 1991 reforms states that 'the primary goal of the education system is to prepare students for a life that leaves no room for any discrimination or segregation based on sex, social class, race or religion'. The 2002 reforms reconfirmed these rights, noting that 'the state guarantees all Tunisians of school age the right to a free public education' (article 4). Other policies also recognised

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38  Tunisian government figures also show a rising trend for the 1990–2010 period, increasing from 16.7% of all expenditure in 1990 to a high of 21.4% in 2005 before falling to 19.9% in 2009.

39  *La loi 58-118 du 4 novembre 1958.*

the importance of education in relation to gender equality, for example ensuring that girls have access to university loans and grants (EU, 2010) and focusing the 2000 National Adult Education Programme on the young, women, and those in rural areas. Furthermore, the considerable assistance to enable pupils from poor families to attend all levels of education (UN, 2004) may have been especially significant in enabling families to break with social norms and educate their daughters as well as their sons. Therefore, while the right to education introduced in 1958 may have been motivated by economic development interests, the 1991 legislation and other policies on education clearly recognise its importance both to gender equality and to economic development.

Accelerated access to secondary and higher education are indicators of progress towards gender equality, and also reinforce processes of empowerment. The reforms in the mid-1950s, which should have enabled girls born at that time to benefit from smaller families (hence better childhoods), less pressure to marry young, and greater access to higher education and paid employment, appear to have enabled women with the education and social freedom to voice their opinions (Baliamoune, 2011: 5). This generation of women became politically active, forming women's agencies in the 1980s and 1990s (see section 3.4) as well as encouraging women's agency in the private sphere (Charrad, 2011: 426). Likewise, data suggest that one result of more educated women is that there are more female teachers, which is strongly associated with girls' school performance (Lockheed and Mete, 2007). It appears, therefore, that access to education, alongside the other CPS reforms, developed a self-reinforcing cycle for women's empowerment in Tunisia. Gender equality in education policy was a crucial initial factor in women's empowerment, which then supported greater access and achievement by women at all educational levels.

### 3.3.3 Women in labour markets (public and private sphere)

As already discussed, Tunisia's post-independence political alliance had a shared interest in investing in human capital as a means to develop a skilled labour force, which had good outcomes for women (Charrad, 2001; Baliamoune-Lutz, 2009, 2011). The political commitment to creating a skilled labour force to meet business needs and support the country's manufacturing industry provided a rationale for women to seek paid employment (Baliamoune-Lutz, 2009). Sustained commitments to social policies, and the economic policies to realise them, have been key to improving women's access to paid employment.

Tunisia's economic policies since the 1970s, in conjunction with a favourable judicial framework and progressive social policies, benefited women's integration into the labour force. The opening up of the economy in the 1970s and the export-promotion policies of the 1980s supported the expansion of Tunisia's export-based

manufacturing sector and led to a reduction in the size of agriculture in the economy. Although much agricultural work was still undertaken by women, these policies led to a greater number of women working in non-agricultural sectors, and while women's employment was initially concentrated in the textiles sector, as the Tunisian economy diversified in the 1980s so did women's employment opportunities (Bechri and Naccache, 2003; Moghadam, 2005: 136). Moghadam argues that from 1994, women have had more access to salaried jobs, mainly in the administrative services, and that fewer women have worked in the informal economy (Moghadam, 2005). The types of economic activity in which women are engaged are of particular importance for an analysis of women's empowerment. The fact that 50% of employed Tunisian women work in the public sector – where jobs are of a better quality, provide flexibility for childcare, and have higher salaries – and are less active in the private sector or industries where there is a high demand for unskilled labour is an important indicator (Goulding, 2010) that women's improved educational status has been translated into greater economic empowerment.

The nature of women's work also depends on the economic climate. Tunisia's economy has been a significant factor in the development of the post-independent political settlement that enabled progressive social reforms. As a service-based economy, building strong human capital across the country has been important for supporting economic development and maintaining political power. As the Jasmine Revolution showed, however, public frustration about unemployment and slow economic development can be a stimulus to political change, which can lead to large policy changes in all areas, including women's rights.

Tunisia's health and reproductive policy had an impact on women's participation in the labour force, in particular by increasing women's access to primary education. Baliamoune (2011: 20) shows that Tunisia's significant decline in fertility rates is associated with a substantial increase in female school enrolment, particularly at the tertiary level, which has been a key element in increasing women's access to paid employment (Baliamoune, 2009; EU, 2010: 41).

Access to education has also contributed to expanding women's employment opportunities. Moghadam (2005: 136) argues that women's employment became more diversified in the 1980s 'due to improved educational attainment of the labour force', although while more women than men have a university education, more female than male graduates are unemployed (Baliamoune, 2011: 7). The fact remains that Tunisian women are still largely in lower-paid and lower-skilled jobs. These jobs may be more accessible to women and more acceptable to their husbands, but it may also be that in order to obtain higher-status employment, women need more technical and vocational education. Tunisia's economy is relatively export-oriented and it appears that the country has not yet managed to

capitalise on female tertiary education in international trade (Baliamoune, 2011).

It is somewhat surprising that female tertiary education is not correlated with women's participation in international trade given that, according to Baliamoune-Lutz (2009), the main reason to invest in universal education was to develop a skilled labour force for the export-oriented manufacturing sector. This underlines the fact that social norms and attitudes to women's employment need to develop alongside policy reform. As discussed above, however, the CPS reforms as a whole correlate with indicators on trade and economic development. This suggests a positive association between economic development and improvements in women's health and education even if the causal relationship is not always clear (Baliamoune, 2011: 20).

## 3.4 Women's political and social mobilisation

The enabling socio-economic environment resulting from reforms in the decades immediately following independence has supported processes of structural change in women's access to resources (education, health, paid employment and political representation). As discussed in section 2.3 this contributed to the emergence of women's movements, which can be seen as an outcome of the favourable policy environment.

Initial improvements in women's individual agency subsequently enabled women to demand further changes to policy and legislation in favour of gender equality. Having greater autonomy in the private sphere – especially with regard to fertility, marriage, divorce, and equality before the law – all strengthened women's collective agency, which further enhanced women's empowerment. Although women's agency did not play a key role in the first wave of reforms, the early policies set the stage for the development of women's individual and collective agency in the 1980s, which would help in consolidating gains in the second phase of reforms in the 1990s (see section 2.4). It was not the main intention of the reforms to address women's rights and equality. On the contrary, NDP took a conservative stance to women's issues, which were never on the nationalist agenda (Charrad, 1997: 291). President Bourguiba's reforms with respect to women's status in the family and labour market were motivated by a commitment to building a modern state and a strong economy to which women could contribute rather than by a commitment to women's rights as such. Nonetheless, these central elements of the reform created a context for social change that was highly favourable to women.

In particular, the critical mass of educated women was a key factor in the development of women's organisations and agency (Charrad, 2011: 426). The women's movements can therefore be considered largely as an outcome of the top-down social policy reforms, which contributed to women's capabilities and resources to express their voices and take political action.

### 3.4.1 Women's organisations as drivers of change

While women's movements and associations had begun to develop from the late 1970s onwards, it was only in the mid-1980s that they gained a collective voice in defence of women's rights and interests.

As detailed in sections 3.1 and 3.2, this was precipitated among other things by the perceived threat posed by Islamic fundamentalism to Tunisia's advances in gender equality[40] as well as women's dissatisfaction with the slow pace of reforms in women's political representation. Furthermore, as noted in section 2.3, during the 1980s and 1990s women's organisations were largely government-funded and operating within the boundaries of a state-sponsored view of gender identity and gender-based relations. During the 1980s, the activities of civil society organisations (CSOs) were severely restrained and women's movements would have needed government approval in order to remain active. Women's organisations that the state regarded as subversive risked being banned and it is questionable how far they could have pursued an independent agenda (Goulding, 2010).[41] As a result, many influential women's organisations were accused of being used as a mouthpiece of the regime.[42]

Despite this, women's groups during this period brought a feminist discourse to the forefront of public debates and enabled the further empowerment of women. Many of the largely educated and professional women involved in these groups (drawn for the most part from the educated and professional elites) became key advocates for the advancement of women's rights. They were crucial in participating in and building up the (state) gender machinery, which gave consistency and substance to the legal framework on gender equality; and as public employees they contributed to making the content of law more meaningful. As women's movements grew in strength in the 1990s, they contributed to defining the scope of gender legislation both through direct involvement with the state and indirectly by putting pressure on those in power (Charrad, 1997). Overleaf are some of the ways in which women's participation in policy and decision-making influenced policy in favour of women's equality:

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40  For example, in 1989 women protested against a speech by an Islamic fundamentalist leader in which he called for the CPS to be repealed (Charrad, 1997).

41  For example, women who wore the veil or who followed their religion too closely were considered dangerous and *Nissa* was banned in 1987 when it was considered too closely linked to communist groups in France (Goulding, 2010; Libidi, 2007).

42  The Tunisian Association of Democratic Women (AFTD), for example, was led by the First Lady, while AFTURD was accused of being a mouthpiece for the regime.

- Participating in the various commissions and councils described in section 2.3, which were critical to informing state policy.
- Using gender machinery as a means to consolidate reforms through follow-up and oversight.
- Demanding new reforms – for example, playing a key role in the second wave of amendments to the CPS (described in 2.4).
- Increasing the presence and visibility of women in the formal sphere (including in public office) and in society more broadly.
- Expanding women's political representation (most women who reached political decision-making positions were members of the National Union of Tunisian Women – a key women's organisation (Gribaa et al., 2009) – reflecting the importance of women's organisations to women's political voice.
- Bringing politics into previously non-political structures, such as cultural or study groups (e.g. the *Club Tahar al Haddad*), sub-sections of national organisations (such as trade unions and human rights organisations), women's magazines (i.e. *Nissa*), women's commissions in national political parties, academic research groups (e.g. AFTURD), political organisations (e.g. AFTD) and a variety of women's cultural, social and economic organisations (Charrad, 1997; 2007).

These different expressions of women's voice contributed to reinforcing gender equality in the policy space and to enhancing changes in social norms regarding women's role in the public sphere. This has been important in consolidating gains in gender equality. The presence since the 1980s of a vibrant, albeit constrained, women's movement in Tunisia is in itself indicative of achievements in women's agency, particularly since other social movements (such as trade unions) were declining during the same period.[43] These groups served to consolidate the earlier gains in gender equality and perhaps also contributed to their robustness.

Importantly, women's organisations and the agency that emerged from them grew from domestic demands and pressure for change and from state-sponsored agendas – most were self-funded or received government support[44] – rather than depending on external financial flows, i.e. official development assistance (ODA), which was relatively minimal (see Figure 7).

### 3.4.2 Women's agency since the Arab Spring

Women played a defining role in shaping Tunisian transition politics following the Arab Spring. Women had participated in the protests as organisers and demonstrators, and in the

**Figure 7: Total ODA disbursed to Tunisian women's organisations 2004–2012**
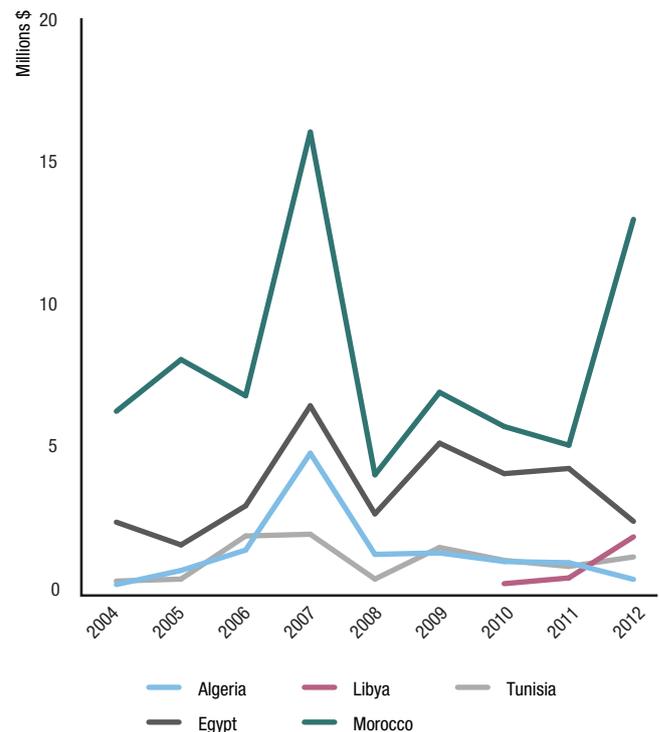


*Source: OECD statistics (viewed 3 January 2014)*

immediate post-revolution period, women's organisations were key in ensuring that Tunisian women, Islamist and others, made women's equality central to the political debate. For instance, women's organisations drafted and supported a measure that led to a quota on gender parity on party electoral lists being passed into law for the October 2011 elections called by the transitional government. This was a radical move that guaranteed the presence of women, particularly Islamist women, in the National Constituent Assembly and subsequently shaped the redrafting of the Tunisian constitution (Charrad and Zarrugh, 2013). The heated and nuanced debates about gender in article 28 of the constitution, which had originally deemed women's role in the family as complementary to men's, was a testament to the assertiveness of women's organisations and activists. Women's organisations, such as the LTDH and AFTURD, organised demonstrations and online petitions to protest such terminology and it is evidence of their collective strength that Ennahda, the Tunisian Islamist party that won a majority in the 2011 elections, eventually agreed to omit the clause from the final text.

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43 The 1980s were a key juncture for social movements in Tunisia. For example, the adoption of an economic structural adjustment programme led to the decline of trade unions in this period. This did not affect the discourse on women's empowerment as by this time there were already several influential women's movements.

44 ODA for women's organisations in Tunisia has remained far lower than in other MENA countries. In 2004 it was US$120,000 and even at its highest in 2007 was only US$1.75 million.

# 4. What are the challenges?

Despite the progress achieved to date, several factors continue to impede women's voice and gender equality in Tunisia. These include the enduring character of patriarchal social norms and the role of religion in social and family life, which are a source of discriminatory practices and belief systems that disadvantage women. There is also a range of other socio-political and institutional barriers that limit the effectiveness of some of the measures reviewed above, and constrain the space for women's voice and agency at the collective and individual level.

This section looks at the challenges in implementing policy reforms to bring about advancements in women's empowerment in Tunisia. It considers the various institutional constraints on the implementation of pro-gender policy reforms and outlines anticipated sources of resistance to improving women's participation in the socio-economic and political spheres. It also considers socio-normative challenges, and newer threats to the existing advances in women's empowerment. The section focuses on the implications of developments following the Arab Spring for the country's agenda on gender empowerment.

## 4.1 Social and cultural conservatism

Despite impressive advances in favour of women's equality and empowerment, Tunisia remains in many respects a patriarchal society in which gender-based discrimination persists in public and private life.

Social norms in Tunisia remain relatively conservative, and support views on women's status that deviate from the formal legal framework (EU, 2010). For example, while women's marital rights have improved, marriage is still considered the only acceptable form of family unit; divorced women can lose custody of their children if they remarry; and the legal position of unmarried mothers and children born outside marriage remains contentious (Charrad, 2007; EU, 2010). In addition, it is widely assumed that the man is the head of the family (Gribaa et al., 2009; EU, 2010). Borovsky and Ben Yahia (2012) found that while men often consider that women and men have equal roles in society, women are likely to feel that men do not respect them, in particular by expecting that they should do the lion's share of household work. Although women participated in the National Constituent Assembly elections in 2011 and have since had active roles in politics and civil society, women are increasingly concerned that traditional gender relations and stereotypes are becoming stronger (Borovsky and Ben Yahia, 2012).

Public consultation undertaken by Borovsky and Ben Yahia (2012) found that rather than changing legislation to enshrine gender equality, most people would prefer to accommodate women's needs separately. For example, proposals to treat women differently with respect to part-time employment or childcare provision were more popular than policies granting equal opportunities to men and women. This reflects dominant social and cultural norms that view men and women as having distinct roles and responsibilities rather than as equals who should have the freedom to decide how to live. These social and cultural norms related to women's (and men's) status are not challenged by the media, which provides very little coverage of women in positions of power, meaning that there are very few positive role models to encourage other women to aspire to positions of political or social importance (Borovsky and Ben Yahia, 2012).

The major reforms to Tunisia's legal and institutional framework over the last 50 years have been very favourable to women and are among the most progressive in the MENA region, but numerous challenges impede further progress towards women's empowerment.

Patriarchal norms and practices remain prominent in social and family life, and discrimination against women is reflected in many of the CPS articles and current legislation. Notably, dowry remains a legal condition of the validity of marriage (article 12 and 13); fathers are still considered the head of the family; although a wife's obligation to obey her husband was abolished in 1993, spouses are still required to perform conjugal duties in 'accordance with traditions and customs' (paragraph 2, article 23); despite progressive measures, women still receive half of men's share of inheritance (article 103); and while the CPS allows judges to grant child custody to either parent according to the interests of the child, it prohibits a mother from having or retaining custody if she has remarried (article 58). The same restriction does not apply to fathers (Human Rights Watch, 2014). Such discriminatory provisions limit women's empowerment in the private sphere and also have implications for their economic and political empowerment, and support conservative social norms regarding the status and role of women in Tunisian society.

'We are here to support women and to say there are men who stand for women's rights […] we are proud of Tunisian women ... and we will not let Islamists turn our spring into a winter' – Sami Layouni, at a protest march in August 2013

Cultural and religious norms also continue to influence commitments to future policy reforms. For instance, while Tunisia formally declared in 2014 that it was withdrawing its reservations to CEDAW, the interim government maintained a reservation regarding reforms which conflict with Islam. Inheritance law, for instance, is affected by this reservation and discriminates against women. Inheritance remains a fundamental challenge in Islam and for Tunisia because while the wording of other areas in Shari'a law leaves scope for interpretation, the articles on inheritance are clearly formulated and leave less room for manoeuvre. President Ben Ali regarded any attempt to address this issue in the second wave of reforms as too risky as it might have precipitated a fundamentalist upheaval, which would not have served the interests of the state or of the women's movement. This reticence remains, meaning that although reform of article 24 in the 2014 Tunisian constitution reduces the unequal rights of women regarding inheritance, it does not abolish them and thus impedes women's empowerment (Charrad, 1997).

Similarly, although women's employment position has improved in Tunisia, women still face discrimination. For instance, while improvements in legislation regarding pregnancy and maternity provision make it easier for women to seek and retain employment, these are based on the assumption that it is the mother rather than both parents who are responsible for bringing up children. This anchors responsibility for domestic duties firmly with women and limits their availability and capacity to seek employment, which hampers their ability to take independent decisions and reduces their scope for individual agency in the domestic and economic spheres.

Moreover, despite legislation on equality in employment, this is not guaranteed, particularly in the private sector. Women's wages remain lower than men's – although Tunisia is not unique in this regard – and men are typically given higher priority than women in obtaining employment (EU, 2010: 41).

While unemployment may motivate the government to invest in universal education and health services to support the country's labour force, it also creates job competition, which may result in women being side-lined in the context of high male unemployment. Rising unemployment following the global financial crisis has meant that women's work is becoming more precarious (i.e. short-term contracts, low wages) (EU, 2010). Research has shown that high male unemployment can foster negative attitudes to women's employment (Borovsky and Ben Yahia, 2012), along with a common perception that women will accept lower salaries than men and so can find jobs more easily. Given the social importance of men being able to provide for their family, women may feel that it is more important for men to be in work and feel guilty if they have jobs (Borovsky and Ben Yahia, 2012). The belief that it is more important for men than for women to be employed may create domestic tensions regarding women's freedom to work, and restrict their ability to obtain better-paid work.

With regard to political representation, although affirmative action in the form of quotas and more recently the introduction of gender parity for the National Constituent Assembly elections has been significant for women's empowerment (Charrad and Zarrugh, 2013), women's political participation remains limited and their presence in legislative and executive functions is marginal. Women are poorly represented at the grassroots and in the leadership of opposition parties (EU, 2010) and Borovsky and Ben Yahia (2012) argue that women tend to be offered the lowest positions on their party's list. This raises the concern that the parity law does not really enable women to gain greater political power.

Finally, although Tunisia's comprehensive legal framework has been accompanied by gender machinery to support the implementation of formal constitutional, legislative and policy reforms, it has only limited financial and human capacity.

## 4.2 Domestic perceptions of the women's movement

The women's movement is very diverse and fragmented and does not present a coherent vision of women's position in Tunisian society and politics – either before or following the Arab Spring. Although women actively participated in the revolution, the political opposition and wider public opinion still do not have a positive view of the women's movement.

Before the 2011 revolution, Tunisian women's movements faced severe political constraints and while they were seen as guardians of the CPS they were also criticised for being complicit with the status quo rather than a force for contestation (Goulding, 2010). Although there was a rapid increase in the number of women's organisations and their activities in the post-revolution period – which may signal that the women's movement is gaining influence and power – the movement lacks a common vision.

Moreover, whereas in other Arab countries their Islamic faith is an important source of women's participation in politics and of their political beliefs, in Tunisia Islamist female politicians do not necessarily use their position to advocate greater rights for women. Although it is questionable how far women in government have expressed an independent voice and agenda (see section 2.3), (Goulding 2010: 76) through MAFFEPA and other gender machinery, women in public office have built up the capacity of women's groups and ensured that gender equality continues to have a place in government policy. At the same time, the election of women to the National Constituent Assembly (NCA) is often attributed to their party affiliation rather than because of their qualities as politicians. This is in line with research that signals the limitations of electoral quotas. 'Going beyond numbers' is now an established consensus, as merely being in office does not automatically translate into seeking to bring about change in favour of women's rights (Goulding, 2010).

Women's social movements, albeit operating in a constrained political environment, have been an important factor in achieving progress in women's empowerment. Their emergence was enabled by effective social policy reforms, as educated women were better able to articulate their demands and to mobilise politically. In the post-revolution era, however, most Tunisian women know little about women's organisations and do not necessarily regard them as having had a significant influence on their status (Borovsky and Ben Yahia, 2012).

## 4.3 Constraints to broader political participation

While Tunisia has achieved progress in the social and economic dimensions of women's empowerment, prior to 2010 there was far less advance in broader political participation. Indeed, the institutional and outcome indicators of women's empowerment discussed in section 3 were achieved in spite of a repressive regime that accorded citizens only limited political rights. Between 1990 and 2010, further advances in women's equality and in women's political voice were therefore constrained by the lack of political freedoms more generally.

The post-revolution environment in Tunisia has considerably changed the political context: political liberalisation saw the number of political parties grow from eight to over 100 and there was a flourishing of new media outlets and NGOs as old laws were replaced with decrees granting greater freedoms to associational life (Kausch, 2013: 2-4). Paradoxically, the more liberal political environment also opened up political space to the religious establishment, which had been previously excluded from political influence. In the 2011 transitional elections, the moderate Islamic political party Ennahda won 37% of the votes and formed a coalition government. This raised widespread concern that there would be a move away from a secular state, which would create tensions with women's political voice. It was feared that while women's greater political freedom to express an independent voice and contest state policy and legislation were welcome reforms, a change that favoured a greater role for Islam in state affairs may threaten such gains (Goulding, 2009, 2010, 2011a-c; Bennhold, 2011; Borovsky and Ben Yahia, 2012; Charrad and Zarrugh,

2013; Kausch, 2013; Pickard, 2013; Meyer-Resende and Weichselbaum, 2014).

Despite such fears, Tunisia's advances in gender equality have proved to be resilient. The presence of women, including Islamist women, in the new assembly – mandated with drafting the country's new constitution – has ensured that the role of women has been hotly debated. In addition, there has been a significant departure from the top-down way in which gender policy had previously been developed, with numerous activists and organisations participating in debates on women's rights. The presence of women in the transitional assembly as well as a vibrant civil society strongly influenced the drafting of the new constitution, which in its final version preserved and even advanced women's key social and political gains (Amera, 2014; Pickard 2013; Charrad and Zarrugh, 2013). The new constitution states that 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'.

This is epitomised in the dispute over Article 28 ('women's rights'). As mentioned earlier, in the first draft, this article described women's roles in the family as 'complementary' to men's (Draft Constitution of the Republic of Tunisia 2012). The wording, which is based on the Qu'ran, was defended by Islamist women, particularly Ennahda members in the NCA. The declaration by the Ennahda Executive Council member, Farida Labidi, that 'One cannot speak of equality between man and woman in the absolute' (Cavaillès, 2012, quoted in Charrad and Zarrugh, 2013) highlighted the danger which the new, more religious, political leadership posed to women's status in Tunisia and that a more Islamist understanding of women's roles could threaten women's rights. Article 28 was strongly contested by women and women's rights activists, who argued that it did not recognise the diversity of Tunisian women's way of life (Charrad and Zarrugh, 2013).

Although the Arab Spring was an opportunity for progressive constitutional change in Tunisia, and despite the fact that the country is making greater progress than others in the MENA region, it has also reinforced forces of social conservatism, including patriarchy, which may act as a constraint to further advances in gender equality.

A woman votes at a polling station in Tunis. Photo: © Ezequiel Scagnetti/European Union.

# 5. What lessons can we learn?

The analysis of women's empowerment in Tunisia described in this report is above all a story of progress rooted in the post-independence political settlement, and associated public policies in education, health and labour as well as a progressive family code. It demonstrates the importance of locating trajectories of change – such as processes of women's empowerment – in the context of wider political settlements. In Tunisia, early political choices regarding state–society relations created an enabling environment for women's capabilities, voice and agency to develop.

The analysis also highlights the cumulative and iterative interaction between legislative changes and women's capacity to mobilise, combined with sustained elite support for policies that would lead to greater gender equality.

In the post-revolutionary era, the strength of Tunisian women's collective agency can be seen as the combined result of the organisational capacity and capabilities of women activists. This has built on the progressive advances in gender equality during the previous 50 years, which resulted in significant and consistent improvements in women's access to resources, in particular education, health, paid employment and political representation. The consolidation of women's individual agency to participate in the public sphere enabled women's movements to have greater capital and resources and women to obtain stronger positions in the state bureaucracy. The establishment of gender machinery and the increased capacity of relevant state bodies contributed to a legal and policy environment which upholds the commitment to gender equality.

The combination of progressively increasing individual and collective agency in both the public and private spheres over several decades explains the opportunities in contemporary Tunisia to further advance gender equality and to consolidate women's empowerment. It also helps to explain why women's movements were able to maintain their influence during the transition period following the ousting of Ben Ali until the promulgation of a new constitution in 2014. The cumulative nature of change in different domains has been mutually reinforcing, and, it can be argued, has given women's movements the resilience to stand firm against threats of reversal, such as those associated with certain outcomes of the Arab Spring.

While Tunisia remains a patriarchal society, it has nonetheless made important advances in gender equality, especially in comparison with other countries in the MENA region. The sustained and coherent political commitment to broad progressive social policies in successive government regimes has been instrumental in challenging social norms and supporting the slow process of changes in attitudes and behaviour (i.e. the informal rules of the game). This has sufficiently embedded notions of gender equality and women's rights in the national consciousness for them to survive the political and ideological turbulence following the 2011 revolution.

Indeed, further advances have been made since the 2011 revolution. The transitional authorities brought gender parity into law and in 2014 Tunisia lifted most of its remaining reservations to the ratification of CEDAW, with the exception of a reservation for the implementation of reforms that conflict with Islam. Moreover, the CPS still contains provisions that discriminate against women, particularly in relation to inheritance. These stepwise improvements in women's status reflect the political tension between reformism and religious and cultural conservatism in Tunisia, which successive governments have had to handle.

Tunisia's experience of progress towards women's empowerment between 1990 and 2010 provides useful lessons about the means by which women can obtain access to new resources – and the way in which politics and power, and the struggles, dynamics and contestation that these generate – can be used to challenge gender and social power relations. We summarise some of the principal lessons below:

- **The role of social contracts, and particularly the way in which elites negotiate these, can determine what level of women's empowerment it is feasible to achieve.** In Tunisia, progress in women's empowerment has been conditioned by the unique manner in which political dynamics have evolved throughout the state-building process and the way in which elites have negotiated the relationship between modernist and secular conceptions of the state. In Tunisia, the elites' bargain undermined traditional norms of kinship and religious power structures. This was most notably reflected in early changes to Tunisian family law, which were extraordinarily progressive in terms of gender equality for a country in the MENA region and indeed also by global comparisons.

- **Progress towards women's empowerment can occur *even under* an authoritarian political regime.** Until

2010, Tunisia's political regime was not democratic. Nonetheless, the particular way in which elite interests aligned with gender equality over a period of 50 years created enabling conditions that have been important for women's empowerment in some areas. Progressive change has thus been possible in a progressive authoritarian system.

Change has been top-down and led by a committed political leadership. The advantages have included the lack of opposition to legislation and implementation in support of gender equality. There have, however, also been drawbacks. Women's political voice remained constrained in Tunisia – as it did for all citizens – given the authoritarian character of the post-independence regime that existed until the Arab Spring. Despite this, there has been some space for women to occupy decision-making roles in public and political office, and support for important policies and legislation, which have contributed to shaping the conditions in which it was possible to make progress towards women's empowerment.

- **Women's empowerment is closely connected to a sustained commitment to public investment in health and education.** To the extent that social policies are gender-blind (and most seem to be) the gains also benefit girls and women, contributing to greater advances in gender equality than in Tunisia's neighbouring countries. So, while social policies may not have been focused explicitly or even exclusively on gender equality, they have had positive (if not necessarily intended) impacts on gender relations and women's empowerment. Progress in gender equality women's empowerment in Tunisia has not relied on external aid but has been enabled by sustained public spending on social policy – notably health and education.

The CPS reforms to family law gave women greater autonomy in the household (from their husbands as well as the extended family) and increased their individual agency in the private sphere. Progress in socio-economic indicators (i.e. women's access to health services, formal education and employment) are also indicators of steps towards gender equality, and have

contributed to change in both the private and public spheres, reforming gender relations more generally and achieving some changes in social norms. These change processes are mutually reinforcing, and have contributed to progress in women's empowerment. They improve women's capacity for individual and collective agency in negotiating with the family, religious beliefs, the state and the economy, and thus are indicators of women's empowerment.

- **Advances in gender equality and women's empowerment can take place even when not driven initially, or mainly, by women's agency.** Top-down women-friendly reforms can create an enabling environment for new debates and further advances in women's empowerment.

In the case of Tunisia, both waves of institutional reforms were driven by a top-down political approach and implemented by an effective civil service. While women's agency entered into play in the second round of reforms and was important in consolidating advances in women's empowerment, their success had as much to do with the interests of the elite as with the actions of the women's movement.

Although public policies seem very top-down, the capabilities and women's empowerment to which they contributed have been a factor in the emergence of women's movements. It is the possibility of collective (if politically conditioned) agency from below that is crucial to protecting and advancing gains in the period under consideration, as demonstrated in the constitutional process since the Arab Spring – but also before.

In conclusion, progress in women's empowerment does not necessarily always result from political struggles and policy reforms that are directly focused on improving gender equality. Other power struggles – such as those over control of the state – are equally capable of generating elite bargains that result in a more inclusive distribution of resources that favours women. In Tunisia, consistent institutional reforms that were not specifically aimed at improving gender equality resulted in a radical shift in social relations and enabled women to obtain access to new resources.

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