

WOMEN’S LIBERTIES AND GENDER EQUALITY IN TUNISIA: THE ASTHMA OF THE ARAB SPRING?

It has been two years since the popular uprising in Tunisia started with the hope of freedom, dignity, and democracy. This country that inspired other Arab countries for the “spring” blossom is still waiting to reach its real summer, of a solid democracy, a new constitution, and a fairly elected government that will stabilize the political turmoil. The role of women, alongside other actors of civil society, in the transition period had been crucial. Therefore, in order to understand the changing dynamics of women’s rights and liberties in Tunisia, this article will focus on the gender equality policies in the country, before and after the revolution, with specific references to the political context.

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In order to assess Tunisian women's struggle to be fully integrated into the political transition and to protect their rights, it is important to consider the historical background of women's rights in Tunisia. Specifically, for grasping how women are linked to the nation and the state, and how the current political turmoil shapes the future of women's rights and freedoms, this article will analyze both the historical background of the gender legislation of Tunisia, and the new ruling party Ennahda's promises regarding the women's rights, both before and after the revolution.

The revolution was carried out as a spontaneous civil society movement by people from all over the country, led by neither a particular ideology, nor a particular political figure. Mohamed Bouazizi, a young, unemployed Tunisian who was selling fruits in order to support himself and his family, set himself on fire on 17 December 2010 after his fruit cart was confiscated, and he was beaten by the police. Bouazizi's action was the catalyst of the events that culminated in the deposition of the former President Zine al-Abidine Ben Ali's regime, sparking a regional awakening from the suppression and the corruption of the tyrannies across the Arab world. Two years after the "Jasmine Revolution", the people of Tunisia are still fighting for their rights and freedoms. They continue to protest against threats to the three principles of the revolution, namely dignity, freedom, and democracy.

Throughout the revolution, together with men, Tunisian women were on the streets demanding freedom, dignity, the removal of the despotic regime, and the establishment of a solid democracy. Women, as in the other Arab Spring countries, actively participated in the political transition. During the uprisings, many female activists were subjected to violence, sexual harassment, and rape. After the fall of Ben Ali, there was a hope for the protection and improvement of women's rights and liberties, and for the full participation of women in the political transition.

Following the revolution, Tunisia was ruled by interim governments, and after Ben Ali's ruling party Constitutional Democratic Rally (RCD) was banned; the country's first fair and free elections were held for a constituent assembly on 23 October 2011. The assembly was responsible for drafting a new constitution, as well as either assigning a new government or extending the period of the current one until the general election scheduled to take place on 23 June 2013.¹ An interim government was established after the election under the leadership of the winning party Ennahda that won 89 of the 217 seats in the assembly, where women won 49 seats, and the majority (42 seats) of these women were from Ennahda. The party formed a coalition

¹ Tarek Amara, "Tunisia Ruling Coalition Agrees to Hold Elections Next June," *Reuters*, 14 October 2012.

government with two other parties: the Congress for the Republic (CPR), and Democratic Forum for Labor and Liberties (Ettakatol). These two parties are considered more liberal and secular, whereas Ennahda is conceived as moderate Islamist.²

The Course of Women's Rights in Tunisia

In a region where women's rights are primarily defined by the state and by religious principles, Tunisia was a country where gender legislation had undergone a wave of reforms, especially after the country's independence in 1956. Under the leadership of the former President Habib Bourguiba, the Code of Personal Status (CPS) was adopted in 1956, integrating women's rights into family law and thus easing women's participation

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into public life. The CPS consisted of a series of laws that resulted in different interpretations of Islamic laws. Although males were still considered as heads of the household, polygamy was abolished. Furthermore, the minimum age for marriage was raised, and equal divorce rights were provided to men and women. Women gained the right to vote and to become candidates in the elections in 1957. A year later, marriages were required to be registered and child adoption was legalized. During the 1960s, contraception was made available, wage equality was introduced, and education became mandatory for boys and girls. During 1970s abortion was legalized.³

The first wave of reforms was perceived as part of the construction of a newly formed national state, which had gained its independence from colonial rule. Thus, they were mostly done by the central government as top-down reforms and they formed the gender roles within the family. During this period, it was the nationalist discourse that was set as the primary concern (rather than feminist discourse) even by the educated women who were involved in politics in the 1950s. However, during the second wave of gender legislation, women's organizations and activist movements pressured the power holders, as part of a feminist cause, demanding changes in the drafting of the laws and directly participating in this process. During this second wave, women made their voices heard. The Tunisian Code of Nationality was revised, and the citizenship law changed with which women gained the

2 John Thorne, “Tunisia’s Unlikely Allies Say They Are Ready to Bury Differences,” *The National*, 6 November 2011.

3 Mounira Maya Charrad, “Tunisia at the Forefront of the Arab World: Two Waves of Gender Legislation,” *Washington & Lee Law Review*, Vol.64, No.4 (2007), p. 1513-27.

right to pass their nationality onto their child born abroad, regardless of the father's nationality. This provision became an important element in the weakening of the patrilineage privileges. Thus, as a result of national sovereignty and investments in education during 1950s, the educated female segment of Tunisian society grew and they constituted the major women's movement development during the 1980s, and especially the 1990s.⁴

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Although there was still legal discrimination (especially in matters of child custody and inheritance), the Code of Personal Status and the Code of Nationality had significant impact in preparing the people to demand further expansion of all women's rights and liberties. After the Ben Ali regime, there have been several advances in this field, such as the adoption of a gender parity requirement in the Constituent Assembly election of 2011. While few parties put women on their lists in the first place,

this adoption nonetheless improved political participation of women in the 2011 elections. Moreover, the draft decree to withdraw Tunisia's previous reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) can be conceived as progress; however, the interim government's reservation for the implementation of the reforms that conflict with Islam still prevents discrimination against women from being completely eliminated. Although there is an ongoing discrimination against women, the feminist movement did not come to the forefront during the revolution. In other words, women participated in the protests with men, calling for general political transformation, rather than with the pursuit of a distinct feminist agenda. Ultimately, the revolution was expected to bring better practices and reforms for women's freedom and liberties in the long run.

Ennahda and Its Women's Rights Promises

The Ennahda Movement, an Islamic party that was banned during the reign of Ben Ali, made various promises regarding the protection of women's rights and civil liberties, before it came to power as the leading party of the interim government. Prior to the elections, Ennahda began introducing Islamic rhetoric to the newly reformed democracy by primarily emphasizing the Muslim identity of the Tunisian society, as

⁴ Mounira Maya Charrad (2007).

opposed to the previous Ben Ali regime where this rhetoric was excluded from politics. After Ennahda came to power, Islamist elements have been portrayed as part of the process of democratization in Tunisia. While introducing Islamist identity to Tunisian politics, Ennahda leaders have made every effort to convince the Tunisian liberals and Western authorities that they are committed to the protection of civil rights and freedoms, as well as to the establishment of a democracy with a new constitution.

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In the days following Ennahda’s victory at the polls, several party members began to publically question some aspects of women’s rights. Rached Ghannouchi, the leader of Ennahda, claimed that adopting children is incompatible with Islamic law, thus should not remain legal. An MP from Ennahda, Souad Abderrahim, stated that single mothers are not good examples for society and create disgrace in an Arab Muslim society.⁵

There has also been a discussion over the role of women in society, and whether women are complementary or equal to men in households. After Ennahda suggested adding a clause to the draft constitution in August 2012, which proposed the description of women as “complementary to men”, thousands of Tunisians demonstrated against the proposal in the streets in National Women’s Day on 13 August.⁶ Instead of wording the roles of men and women as “complementary”, many Tunisians were in favor of the word “equality”.⁷

Salafis of Tunisia

Another actor closely related to the challenges of democracy and women’s freedom, are the Salafis in Tunisia. The emergence of the term *Salafism* is not an old phenomenon in Tunisia. After the uprisings in 2010-11, this group of extreme Islamists started to appear in the news with their violent attacks targeting the Tunisian secularists and foreign authorities, claiming that their approach and activities do not

5 International Federation for Human Rights, “Women and the Arab Spring: Taking Their Place,” *Arab Women Spring*, <http://www.peacewomen.org/assets/file/fidh.pdf>

6 Tarek Amara, “Thousands Rally in Tunisia for Women’s Rights,” *Reuters*, 13 August 2012.

7 Alinec Fordham, “Tunisia’s Draft Constitution Brands Women ‘Complementary’ to Men,” *The National*, 6 August 2012.

align with the *Shariah* – which Salafis want to see the basis of the constitution. During Ben Ali’s rule, religious conservatives were perceived as a threat to the country’s stability and security. Thus, they were prohibited from political participation, and their rights and freedoms were restricted, in the form of a ban on wearing full-face veils or growing long beards. These measures justified Ben Ali’s efforts to maintain the *status quo* and undermine any kind of opposition.

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Following the revolution, the ban on wearing full-face veils and growing long beards was withdrawn. Thus as a group of people who were suppressed during the Ben Ali regime, they began to exercise their freedom and after so many years, they were on the streets in their religious outfits with the motives of extreme Islamism. Those locked in prisons under the Ben Ali regime were released, and they started to participate in politics in order to spread their ideology of extremist Islam. Although the main discourse of Salafis is to bring *Shariah* to the constitution and have a caliphate in Tunisia, they are divided into two camps in terms of their methods. The first is Salafi jihadists, who resort to violence in order to serve their goals, and the second is Salafi scripturalists, who practice their beliefs strictly according to Koran but use a more passive way to spread their ideology.⁸

Although Ennahda’s position in terms of controlling the Salafis’ activities is unclear, the violence that fills the streets in Tunisia and the fear of these extreme Islamists have been increasing. The attack on the U.S. Embassy in Tunisia in September 2012, harassment of artists for their work, and forcing of women to wear headscarves represent the characteristics of the Salafis that threaten democracy and especially women’s rights. Although some Salafis do not conceive the Ennahda as a genuine supporter of Islam or *Shariah*, and accuse them of being a passive promoter of Islamist ideology, Ennahda’s ambiguous response towards controlling Salafis’ violent activities raises questions about the relationship between these two Islamist groups, thereby creating worries for the future of the democracy, freedoms, and liberties of the country.⁹

⁸ Monica Marks, “Who are Tunisia’s Salafis?,” *Foreign Policy*, 28 September 2012.

⁹ Monica Marks (2012).

The Hidden Agenda?

Although Ennahda promised to respect women's rights and liberties, while establishing a democracy and drafting a constitution that would represent all segments of society, the party's ambiguous statements regarding Islam and democracy, as well as several of its members' questionings of women's rights and freedoms suggest otherwise. This may, in turn, reduce its votes in the 2013 general elections. The party has become dubious in respect to three main issues:

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- The first is Ennahda's legitimacy, as the party is accused of receiving funds from various Gulf countries during the pre-election period in 2011.¹⁰ With a large budget for campaigning, the party was suspected of spending a significant amount to appease people in the rural and poor regions of the country, giving them Ramadan food and corrupting the vote of the people with this money received from foreign countries.
- The second issue stems from Ennahda's relationship with Tunisian Salafis. Although in the mindset of the some segments of the Salafis, Ennahda represents a light Islamic governance with insufficient emphasis on *Shariah*, or a serious punishment for blasphemy, the controversial approach of the Ennahda government, and its passive responses to violent actions of the Salafis towards women and other religious minorities create suspicions. Although Salafis proclaim themselves to be on the far-right wing of Ennahda, the latter's responses obscure where exactly it situates itself in this relationship.
- Last but not least, the most important suspicion may concern the future of women's rights and freedoms. Considering Ennahda's vague promises and contradictory statements on women's rights and the current difficulties in defining the common principles of democracy, alongside the increase of religious extremes and some violent groups in the country (such as Salafis) make it more difficult to understand the real agenda of Ennahda and to differentiate its sincerity from hypocrisy.

10 David D. Kirkpatrick, "Financing Questions Shadow Tunisian Vote, First of Arab Spring," *The New York Times*, 22 October 2011, http://www.nytimes.com/2011/10/23/world/africa/tunisia-election-faces-financing-questions.html?pagewanted=all&_r=0

Conclusion

Although there are suspicions regarding the sincerity and the transparency of Ennahda's political agenda, the future political transition in Tunisia remains promising, with active support from the public and civil society. The continuation of the awakening of the Tunisian people suggests that there might be another revolution if the worst-case scenario of a jeopardized democracy, in which people lose their freedoms and liberties, becomes real. Though a follow-up revolution would probably not spread like the Arab Spring did across countries in the region, however, Tunisians would be able to capitalize on the lessons they learned since December 2010, possibly establishing a stronger, more sustainable democracy.

After the two years, just before the arrival of the spring season, Tunisia, the country where the spring blossomed, appears to be suffering from "asthma" of democracy, freedoms, and liberties, showing the symptoms of losing breath and pressure on its chest, along with the allergies of the newly formed reforms and legislations. It will be easier to estimate the future of Tunisian democracy, as well as that of women's rights and freedoms after the draft constitution is completed, and especially after the upcoming general elections take place in the summer of 2013, when the symptoms of this asthma could wither away before becoming chronic.