



WOMEN'S POLITICAL PARTICIPATION IN TUNISIA

Nihel Ben Amar

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The collapse of the authoritarian regime in Tunisia in 2011 has given women new opportunities to participate in political life and in civil society activities, standing for elections (2011 and 2014) or becoming members of political parties and associations. Nevertheless, despite these advances and the already positive point of departure thanks to the legacy of Bourguiba, the “liberator of the country and the women”, participation of women remains unsatisfactory. While Tunisian women have enjoyed extended individual rights, especially compared to Arab women in general, since the country became independent in 1956, their political participation has remained controlled by the state.

The challenge of increasing the political participation of women, even in a democratic phase of the country's political life, remains.

The new electoral laws from 2011 and 2014 endorse parity and women rights, now guaranteed by the Constitution. However, the implementation of these rights is still at stake.

1. Background

In October 2011, Tunisians elected a National Constituent Assembly (NCA), which drafted a new Constitution, adopted in January 2014, paving the way for new elections in October-December 2014.

The law establishing the ISIE (French acronym for Higher and Independent Commission of Elections) in 2012 guarantees equal handling of voters, candidates and others actors during the electoral process (article 3.4); it also calls on the ISIE to promote, educate and encourage participation (article 3.12). The ISIE Board of Commissioners itself has been selected based on parity between the candidates of the Commission. 36 candidates were shortlisted - two male candidates and two female candidates for each of the 9 professional categories (article 5, Law 2012-23, December 20 2012).

Compared to the 1959 Constitution, the current one gives more consistency to women's rights (equality, representation and parity). While it does not refer to universal equality between males and females, it confirms equality of all citizens, male and female alike: they "have equal rights and duties, and are equal before the law without any discrimination. The state guarantees to citizens, male and female, individual and collective rights, and provides them with conditions for a dignified life." (Article 21.) The Constitution also acknowledges full political rights for women: "The rights to election, voting, and candidacy are guaranteed, in accordance with the law. The state seeks to guarantee women's representation in elected councils." (Article 34.) Rights are not only recognised but the Constitution also imposes a series of commitments: "The state commits to protecting women's achieved rights and seeks to support and develop them. The state seeks to achieve equal representation for women and men in elected councils (parity). The state takes the necessary measures to eliminate violence against women." (Article 46). On April 23 2014, Tunisia also lifted most of the opt-

outs made when ratifying the subscription of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Article no.46 was difficult to adopt and included stipulations disseminated in different articles in the four drafts (from August 2012, December 2012, April 2013 and June 2013). In the end, it was decided to contain them in a single article. That is why the article now refers to rights that address different aspects (from parity to violence) and was voted as a block, so that those who were against one aspect were obliged to vote down the whole article. Regarding the rights to election, voting and candidacy, the electoral code recognises the equality of voters, both male and female (Article 5 and 19 Law 2014-16, May 26, 2014.) It requires obligatorily parity, alternating in legislative elections between male and female (article 24.) However, secular groups and NGO's have campaigned to impose parity on the top of electoral lists in order to improve women's representation. Discussions within the NCA were very tense but were not successful. Finally, Article 21 endorsed the former electoral law drafted by the political commission (April 2011). At presidential elections, both men and women have the right to candidacy (article 40.)

Compared to the authoritarian regime, this is a clear improvement, although it does not present a substantial leap forward compared to the series of reforms undertaken since Tunisia's independence. The 1959 Tunisian Constitution already recognised women as equal before the law, with the right to vote and stand for election. The personal status code abolished polygamy, adopted equal right to divorce and fixed the minimum age for marriage at 18 years. As a consequence of those reforms, Tunisia's Total Fertility Rate (TFR) halved in the immediate post-independence period from 7 in 1960 to 3.5 in 1990 and 2.3 in 2011 (its highest value being 7.8). Free education was imposed (1958) and compulsory education up to the age of 16 years was introduced in 1991. Abortion was legalised in 1973. In terms of social rights, the Labour Law of 1966 guaranteed women and men equal rights to employment. Thus, between 1990 and 2010, women's representation in the total formal labour force increased from 20.8% to

25.3%. However, these reforms were enforced by the state with a top-down approach and not through consultation with civil society, and were therefore considered as “state feminism”. Between 1990 and 2010, the authoritarian regime actually enhanced women’s rights in order to counter Islamism, but the relatively positive increase in the representation of women in various fields was conceded by the government and not obtained through citizens’ struggle and women’s demands.

Nonetheless, once Ben Ali was ousted, women – and secular public opinion in general - were again worried about women’s personal rights, as they feared major setbacks. A debate was open and public opinion was divided, until a compromise was struck between both sides, secular and conservative. The debate began with the first draft of the Constitution (August 2012) and ended with the vote on the final draft (January 2014). The final result did not represent a major break in the moderately pro-women’s rights Tunisian legislation.

2. Complementarity: the debate

One of the major issues of debate over the new Constitution revolved around the role of women in society. On 13 August 2012, on the occasion of the celebration of the issuing of the Personal Status Code (August 13, 1956), various women’s organisations presented to the National Constituent Assembly a “project of a constitution, Citizenship and Equality”, asking to remove Article 28.2 from the first draft of the Constitution, which stipulated that “the state assures the protection of women’s rights under the principle of complementarity with man within the family and as associated to man in developing the country...”. Such stipulation was eventually removed. However, the same article endorses the role of the state as guarantor of “equal opportunities for men and women in bearing all various responsibilities. The state seeks to eliminate any form of violence against women” (a stipulation finally maintained).

In its first version, article 28.2 was voted for in the Commission on Rights and Liberties by Ennahda and allied parties. Coupled with various protests, ‘complementarity’ was removed from the second draft (December 2012) but “men and women associated in building society and the state” was maintained in the third draft (April 2013) and eventually removed in the fourth draft (June 2013). However, today everyone agrees that the current Constitution guarantees women’s rights and equality of citizens, male and female alike (art 21); as well as representation of women in elected councils (article 33) and the commitment of the state to achieve the aforementioned parity (article 46). The challenge now lies in its implementation rather than its formulation. For instance, parity is not implemented in scientific boards at universities, in parliamentary elections, or in appointing higher public officers. Despite the adoption of the Constitution, a large number of women voted for the secular Nida Tounes party in an effort to restate their desire not to roll back on women’s rights. However, this data derives from pool indications, as long as even ISIE has no possibility to know gender-based vote. That’s why women voted massively for Beji Caid Essebsi as shown by evidence: of the 1.7 million people that voted for the current President, 1 million were women (which makes 60% of his own score). Unfortunately, no information is available on the number of women who voted for his challenger Marzouki, who gained roughly 1 million 300.000 (44,32% of the total vote) according to a poll conducted on the day of voting by Hassen Zargouni, Sigma Conseil’(interview Hassen Zargouni, [\).](http://www.webmanagercenter.com/magazine/idees-et-debats/2014/12/26/158556/tunisie-elections-un-million-de-femmes-ont-vote-bce-c-est-le-plus-grand-parti-de-la-tunisie-hassen-zargouni.)

Despite the fact that it is difficult to break down the data along sociological and geographical lines, it is evident that Beji Caid Essebsi was considered by women as the candidate able to protect and guarantee their rights, even though his rival was a human rights activist.

3. Women Representation in higher political positions

During the first transitional period (January 2011-December 2014), women were represented at a low percentage, ranging from roughly 7 to 10%, which is more or less the same percentage as prior to the revolution. Essid' government appointed more women to ministerial offices after the second election term, which raised women's representation levels to 19,5% : three female ministers were appointed (culture, tourism and women), and five secretaries of state (Secretary of State under the Minister of Finance; Secretary of State of Development and International Cooperation; Secretary of State in Charge of International Cooperation; Secretary of State in Agriculture; and Secretary of State in Charge of the Wounded and Martyrs of the Revolution).

However, this progress is still below expectations compared to the parity put forward in the Constitution. The presidential elections held in December 2014 were a good opportunity for women to be candidates for the first time, as long as there were no explicit constitutional obstacles. Five women ran for the presidency but only one of them – judge Kalthum Kennou – took part in the actual race, while the others-didn't fulfil procedural requirements or desisted. She got a very low score, with only 18,287 votes (out of 4 million), finishing eleventh out of a total of 27 candidates in the first tour.

As far as legislative elections are concerned, vertical parity in a single candidate list, associated to proportional representation, weakened women's representation, because almost all parties offered the top position to male candidates. However, thanks to parity inserted in the first electoral code drafted by the Political Commission (April 2011) and confirmed by the electoral code in 2014, the percentage of women at the top of

electoral lists rose from 6% in 2011 to 12,5% in 2014. In 2011, 59 women were elected to the NCA, out of 217 deputies (27%) (at the beginning there were only 49 women, but the number increased; each time a male elected member was appointed in any office out of the NCA, a woman automatically takes a seat as well, thanks to the parity-electoral law) and they became 68. This improvement comes from the over-representation of the two main parties Nidaa Tounes and Ennahdha, each acquiring 60 seats, with respectively 33 and 27 women in the last round. Therefore, compared to the previous regime, the representation of women has increased (from 4% to 23% in the period 1989-2004), thus confirming a trend that already existed during the authoritarian rule. But again, this was the result of “state feminism”, rather than of a popular vote.

The second vice-president of the Assembly of the Representatives of the People, which replaced the NCA in 2011, is a woman: Faouzia Ben Fodha, from the Free Patriotic Union. During the NCA mandate, 44 women created an informal and inter-political group to call for more parity (author information gathered by interviews).

4. Representation in political parties and civil society

While it is almost impossible to collect evidence on the representation of women in the more than 170 political parties registered, it is obvious that the main political parties give no weight to women’s participation at top level. En-nahdha’s internal rules do not mention the representation of women in its various levels (national, regional and local). It is fair to remark, however, that in the first democratic elections in October 2011, En-nahdha implemented the female-male alternation system and out of a total of 59 women elected in the NCA, 42 belonged to En-nahda. The representative body, *Majlis shura*, is made up out of 150 members, 100 of which are elected, while women are selected among the remaining 50 members by the executive branch, the political bureau that

manages the balance between the different sectors of society (youth, regional, expatriate and others appointees). The political Bureau itself is composed of fifteen members, including two women. The same can be said for the internal rule of Nidaa Tounes, the ruling party. At the beginning, the founder group of Nidaa (June 2012) included three women, out of eleven members. In the internal rules of the party, drafted by the preparatory commission, there was no mention of women's participation, despite a rhetorical pledge to the cause of equality, and even though quota representation of women was discussed in the commission (the author was member of this commission at that moment). Now, the Political Committee elected by members according *ad hoc* rules is almost fully compliant with the parity law clause, with no less than 15 women out of 34 members.

Emna Mansour Karoui and Myriam Mnaouern are the only women running small political parties without specific political identities (no particular position or program), respectively the Democratic Movement for Edification and Reform (Mouvement démocratique d'édification et de réformes, MDER) and the Tunisian Party (*Parti tunisien*). A more charismatic and popular figure, Mrs Maya Jribi is secretary-general of the Republican party (Jouhour). She challenged Mustapha Ben Jaafar's candidacy for the presidency of the NCA at the inaugural session, on 22 November 2011, but she is no longer a member of the parliament elected in 2014, as her party failed miserably in the last elections.

Moreover, information on women is missing at all levels (Bureau and membership) according to Kamel Jendoubi, Secretary of State in charge of Civil Society and Constitutional Agencies. –During the drafting of the Constitution, 147 NGO's have taken part in the process and 203 activists participated in the discussion, including 64 women. During the open debate between the NCA and civil society held on 14-15 September 2012, 218 associations took part, including 78 women (information given by the Bureau of the NCA based on authorised audience).

5. Women and elections

In 2014, 107,798 citizens took part in the electoral process, whether they were members of the electoral staff (ISIE), or political representatives (party observers), or candidates to elections, or civil society observers, journalists, and various assistants. Among them, there were nearly 41,402 women (38,4%). Now, as long as parity in competing candidate lists is required, each list of candidates has to alternate between male and female. Lists range from two to ten candidates, according to the territorial subdivisions (except one list with only one candidate in Germany). Nevertheless, since almost all lists would rather put a man at the top, the arithmetic shows a full parity, but in fact reinstates the over-representation of men. The result is that the number of female candidates in all lists were 4,495 on 15,652 (28,7%). During the day vote, there were 23,636 observers delegated by political parties, including 6012 women (25,4%). Finally, more women than men registered in the elections (373,061 women and 371,726 men).

The Higher Instance Supervising Elections (ISIE) largely respected the parity by appointing 1,592 women and 1,590 men, although women are discriminated when it comes to higher office positions and responsibility. Even the ISIE composition itself doesn't reflect full parity: only three of the nine members of the Executive Commission are women; thirteen of the ninety regional committees include women, with only five out of the twenty-seven regional coordinators and nine out of twenty-seven heads of administrative and financial services being women. On election day, women were less present than men in governorate constituencies to manage the pool, except in Le Kef (58%) and Beja (52%). Expatriates were also less mobilised, both in terms of voting and in pool station management; the larger percentage of participation in pool stations was in France I and II (near 30%).

Those data prove that Tunisian women participated reasonably well in the 2014 elections. Compared to 2011, they were mobilised to register at a higher level than men,

and they took part in the technical process, indicating they were aware of their civic rights and duties.

6. Conclusion

Since the country's independence, Tunisian women have been enjoying extended individual rights. But political participation has been denied, NGOs' activities controlled and the representation of women in various fields and levels (including parliament and government) was guaranteed by an authoritarian state. At the beginning this was based on an ideology of secular modernisation and later on, in the 70s of the 20th century, was used as a counter-balance to political Islam. The revolution has provided women with a chance to keep their rights and gain political and civil participation. The result is unequal as shown by the evidence:

Women's participation was not granted by the revolution. It was a permanent issue of debate between men and women, seculars and non-seculars, between state and society, between civil society and political personal and actors. While parity was voted for without any objections (including from the En-nahdha) in the Political Commission (April 2011), it was not fully implemented. Parity is mentioned in the electoral code in 2014 and in the Constitution. The same Constitution guarantees women rights in various fields (political representation in elective councils, individual rights, equality...). However, the same political actors who voted for these rights, gave priority to men when it came to appointing the top spots of the candidate lists, and did not respect their commitment. In addition, women did not take advantage of parity in the appointment of governmental offices and higher appointees.

Positive statements balance these limitations. Women mobilised strongly against any attempt to put into question their inherited individual rights (as encompassed by CSP) during the whole process of drafting the Constitution and resisted conservative trends.

Various NGOs were in this respect very active to educate women about their rights, to pledge for citizenship and to petition and demonstrate for their rights. Finally, they took part in the elections in more or less the same numbers as men.

However, it comes less from a political “conspiracy” than from traditional male domination. Therefore, improving rights that are already guaranteed and reforming institutions and educating people are key to enhance women’s participation in public life. Now there are two main challenges: the first is to enhance equality in all legal levels. This requires giving equality “within the law”, i.e. in its provisions, and to make laws in compliance with the Constitution, instead of the formal equality mentioned “before the law”. The second is to provide education to both men and women in civic culture, equality and non-discrimination.

7. Recommendations

First, as far as legal dispositions are concerned, parity must be improved in elections by inserting parity in the results, so that women might have equal opportunities, and by requiring a kind of parity ‘clause’ (which does not yet exist) in various fields in order to achieve equal representation of women and men as it is stated by the Constitution. The ‘positive discrimination’ (yet to be inserted in positive law) might be reinforced in law either by providing an advantage (a retribution, a bonus, a better treatment) or by penalising non-compliance (already initiated since any list that doesn’t respect the vertical parity is not valid). The next local and regional elections, to be held in 2016, might be a good opportunity to put these provisions into effect in the municipal and regional electoral code to be drafted for this occasion. Secondly, education on equality is needed in political life and civil society. NGOs can promote women’s representation by training. Political parties and NGOs also need to insert in their legal status the importance of women’s representation in higher offices, namely as vice-

presidents. This measure can be extended to all electoral institutions, including the parliament and the five constitutional *ad hoc* “Instances” to be created.

Thirdly, a national women commission or a delegation on special issues such as equal chances and opportunities within the parliament aiming to investigate and to report and supervise governmental and institutional decisions and practices needs to be set up. Fourthly, public and private institutions should be encouraged to establish a database on gender issues to be centralised by the Ministry of Women with full public access; this database could be used by civil society NGOs to publish an official women’s *Annuaire*. Fifthly, a national campaign must be carried out, particularly in rural areas, to educate illiterate women, who are often manipulated by parties, neighbours and relatives; and to encourage those who are out of the public sphere to participate in public life. However, despite the number of initiatives run by NGOs and associations in favour of rural women’s advance and emancipation, rural and disadvantaged women do not yet seem to have achieved full equality in economic, social and labour issues. Therefore, there is a need to question the efficacy of the actions taken by civil society organisations and look at the difficulties to achieve genuine progresses on the ground.