

Civil Liberties Gender Gaps in Tunisia

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Tunisian Gender Gaps in Civil Liberties

Tunisia has long been at the forefront of efforts to promote women's rights in the Arab world, starting with Prime Minister Habib Bourguiba's passage of the region's most secular and progressive Code of Personal Status in 1956. The political participation and representation of women played an unprecedented role during and after the 2011 revolution as well. Despite the status of Tunisia being one of the most gender-progressive civilizations in the MENA region, there remains a high degree of gender gaps and challenges when it comes to the access of services in Tunisia.

Tunisia has achieved some progress in regard to women's civil rights, scoring 53% on restricted civil liberties according to the Social Institutions & Gender Index (SIGI) (OECD, 2019). This dimension mainly tackles SDG sub-target 5.1 and 5.c. The progress on them will be indicated in the following sections.

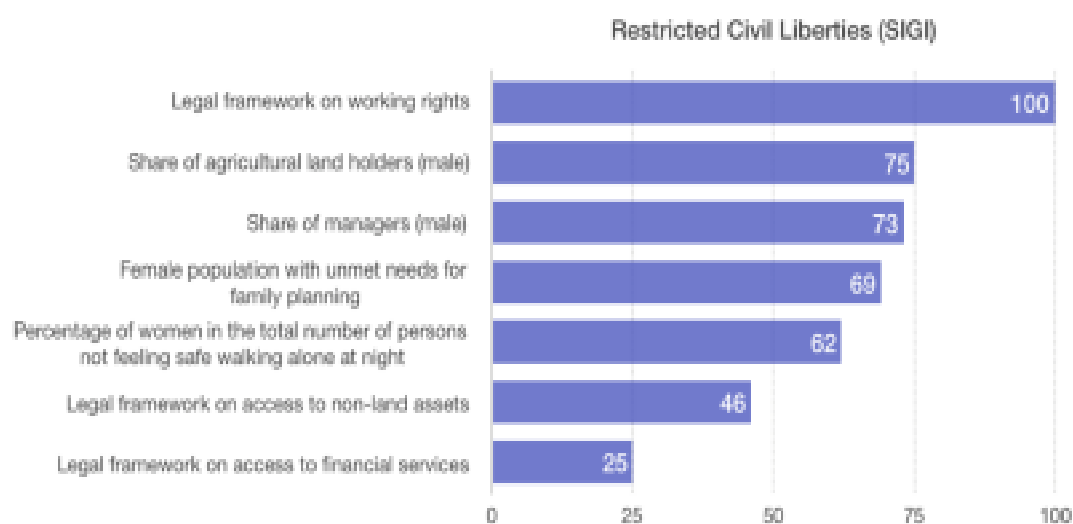


Figure 1: Tunisia's SIGI values on restricted civil liberties (2019).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorized as 0%, 25%, 50%, 75% or 100%. Cut-off date: June 2017.

Citizenship rights. When it comes to citizenship rights, under the terms of the nationality code, women in Tunisia are liberally allowed to acquire nationality without needful permission from a male relative. All Tunisian citizens have their right to retain nationality protected by the Constitution, and women, whether married or not, hold the same rights as men in obtaining national identity cards and passports. Following the 2010 amendments, women are no longer legally restricted to travel outside the country and have the right to confer citizenship to their children as long as they are born in Tunisia. Despite the progress, women's right to confer their citizenship remains inferior to that of men, since they can confer it regardless of the child's place of birth (Code de la Nationalité Tunisienne, 2016: Article 6).

Non-national spouses who get married to a Tunisian woman are given the chance to obtain the Tunisian nationality through naturalization laws. However, unlike men, a woman who acquires the Tunisian nationality by marrying a Tunisian spouse would automatically lose it as soon as the marriage is terminated. Nevertheless, this only applies for women who have other nationalities which protects those who do not from statelessness (Code de la Nationalité Tunisienne, 2016). The 'Arab Women's Right to Nationality Campaign' is an initiative that Tunisia is a member of and was created in 2002; it was made in an effort to support dialogue with the CEDAW committee and national governments to advance legislative reforms in nationality laws and ensure their implementation (UNHCR, n.d.).

Voting. Any man or women are entitled to vote in Tunisia as long as they are 18 years old, and this right is protected for both genders by the Tunisian Constitution. Prior to the Constituent Assembly's elections in 2011, the Ministry of Women, Family, and Children's Affairs launched an initiative, called "I must go there", that aims to incite women to vote and increase their awareness of their political and civic rights. Despite the fact that there was a significant number of women voters in the 2014 elections, women, especially the

uneducated, are still facing several barriers that impede them from voting (Ben Amar, 2016). Many women were also restricted from voting as they lacked national identity cards. Consequently, the ISIE which is a publicly funded body, founded an initiative that aims to encourage women to exercise their right of voting by supplying them with necessary identity documents for free (Gender Concerns International, n.d.).

Political voice. Under the 2014 law on elections and referenda, women are provided with the same rights as men in holding political office in the executive and legislative functions. The Tunisian Constitution entails a state commitment that ensures women's representation in elected bodies and promotes equality between men and women in elected assemblies (Constitution of the Tunisian Republic, 2014: Articles 34 and 46). Furthermore, no legal restrictions exist regarding the rights of women in being appointed to the judiciary. As for legislated candidate quotas which were introduced in 2011, candidates are required to file their applications while considering parity between men and women where an equal number of both is to be represented on electoral lists.

In practice, however, women's chances of being elected are drastically reduced as they are rarely featured at the top of the list. A report by UNESCO quotes some barriers that women face in political participation, which include the weak representation of women in media exposure throughout electoral campaigns and lack of funds attributed to supporting and training women in running for public office (UNESCO, 2017: 24-27)

Access to justice. According to the Law of Obligations and Contracts, the legal capacity of women is recognized and there is no distinction between men and women's testimony before court. Established in 2015, the Truth and Justice Commission aims to investigate human rights violations and political, social, and economic crimes (Code des Obligations et Contrats, 2005; Ben Salem, 2010: 4).

The International Commission of Jurists (2016) published a report that identifies numerous obstacles faced by Tunisian women in accessing justice. Some of these reasons include geographical, financial and social barriers, discriminatory attitudes from judges, and lack of well defined information about women's liberties and rights. All of these factors significantly influence the judicial processes and ultimately the evidentiary weight women are granted in court (International Commission of Jurists, 2016: 18-19). Moreover, the fact that gender specific provisions are absent in the legal framework for survivors of sexual violence acts as a barrier to the access of justice. It is highlighted in the report, for instance, that courts and other judicial bodies are absent in rural areas, which can further intensify the exclusion of women from being treated righteously (Amnesty International, 2015: 18).

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