



## » TUNISIA

### Report on Violence against Women

#### Legal Framework

Tunisia, a pioneering country in promoting women's equality in the Arab world, has a wide range of legal resources for defending women's rights. Article 21 of the new Constitution of January 2014<sup>1</sup>, stipulates that male and female citizens have equal rights and responsibilities before the law, without discrimination.

According to article 46 of the Constitution, the State must take the necessary measures to eliminate violence against women. Theoretically, this concerns all forms of violence. The penal code currently specifically criminalises rape and sexual harassment, but not honour crimes, forced marriage, female genital mutilation or economic violence. However, these offences may give rise to prosecution based on the penal code articles penalising physical violence, with the exception of kidnapping for forced marriage, which is protected by article 239, allowing a man to evade prosecution if he marries the woman he kidnapped. Moreover, while rape is criminalised, sexual violence in marriage is not, as the police generally perceive family violence as a private matter<sup>2</sup>. Trafficking women for professional or sexual exploitation is also not criminalised. However, a bill on human trafficking is currently being drafted, at the initiative of the Ministry of Interior and with the involvement of other ministries and human rights and women associations.

Tunisia is the first country in the region to ratify and lift all specific reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and one of only two countries in the region to adopt the Optional Protocol. Nevertheless, its progress on the report to the CEDAW Committee has been slow. The Rome Statute was ratified in 2011, but Tunisia has not signed the Istanbul Convention. Additionally, domestic legislation has not yet incorporated the international instruments for combating violence against women.

The comprehensive law on violence against women and girls was to be submitted by the Secretary of State in charge of Women and Families (SEFF) to the Council of Ministers on 25 November 2014. This, however, was postponed without notice on the new timeline. It concerns all forms of violence and involves various agents: SEFF and the Ministries of the Interior, of Health, of Social Affairs, of Justice, etc. This bill forms part of the national strategy for combating violence against women launched following the 2011 constitutive law. A national steering committee was set up, composed of representatives of associations and of institutions and of experts. Regional participatory consultations were conducted with the institutions and associations in question.

1. <http://mjp.univ-perp.fr/constit/tn2014.htm>

2. [http://eeas.europa.eu/delegations/tunisia/documents/page\\_content/profil\\_genre\\_tunisie2014\\_courte\\_fr.pdf](http://eeas.europa.eu/delegations/tunisia/documents/page_content/profil_genre_tunisie2014_courte_fr.pdf)



Several studies and actions were also launched, including the creation of a group of experts (lawyers, sociologists, doctors) from academia and civil society, in order to draw up the bill, mapping services for women suffering from gender-based violence, and recommendations for shelters, etc. NGOs have been consulted at all stages and the Steering Committee meets regularly to validate the process.

## Political Framework

A national survey was conducted by the National Board for Family and Population (ONFP) in 2011<sup>3</sup>, which led to improved advocacy for combating violence against women. Other studies conducted in hospitals and other locations have not, however, been published. Each institution and NGO collects data for internal purposes in the form of registers or files, but this data is not homogenised. A feminist association undertook a data collection task with a network of NGOs and institutions (ONFP and SEFF) to prepare a database that is useful for decision-making and advocacy.

It is to be hoped that the comprehensive law on violence against women and girls will lead to the effective implementation of a national strategy for combating violence against women, and a protocol for action for the police forces, judicial investigative staff and healthcare and social workers, which has already been initiated in all sectors. Coordination between the various agents, however, has still not been achieved. It should be noted that NGOs have been invited to take part in drawing up these plans, and in monitoring and assessing them, but only since 2011.

Furthermore, little funding has been allocated to governmental institutions combatting violence against women: only 0.27% of the government's budget for all work on women's rights, has been allocated to SEFF and its work on combating violence.

### *Prevention and training of professionals in contact with victims*

Within official study programmes and at all educational levels, there is no teaching material about subjects such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to integrity of the person. However, there are some personal initiatives by teachers, school principals and by ONFP and women's associations. There is no initial training aimed at professionals (government workers, police, judges, lawyers, doctors, nurses, etc.) concerning violence against women, in all its forms, the prevention and detection of such violence, equality between women and men, the needs and rights of victims, and on how to prevent secondary victimisation. Training on some of these aspects is now being given to the police force in their continuing training. Since 2012 awareness-raising campaigns to influence public opinion have been set up; the annual campaign during the 16 days of activism against gender violence has been taken up both at national and local levels by various stakeholders, including NGOs, institutions, UN agencies, etc.

## Protection Framework and Access to Justice

### *Hotlines, psychological support and empowerment services*

There are hotlines for women who are victims of violence, set up by SEFF, but also by an NGO in Kef. Several psychological support centres have also been set up by NGOs as well as one by the ONFP. However, there are only two public shelters for victims of violence, one in Tunis and one in Sousse, with very low accommodation capacities. The SEFF centre has not yet opened its doors. Some of the associations supported by international organisations/NGOs, and institutions supported by the UN system or bilateral cooperation offer hotlines, psychological support and empowerment services.

Furthermore, there are no legislative or other measures allowing the authorities to issue appropriate injunctions or protection orders against the aggressor to protect women who are victims of violence.

3. <http://www.fichier-pdf.fr/2013/03/23/enquete-violence-femmes-tunisie-rapport-2010/preview/page/2/>



## *Access to a non-discriminatory judicial and police system*

It is possible for a woman to file a complaint over a gender-based violence incidence with the police or a court. Women's testimonies are considered equal to those of men. However, there have always been cases of violence against women perpetrated by government agents. Since 2011, complaints have been admissible and legal action possible in such circumstances. Additionally, the media reports on such violence, public proceedings have taken place and prosecutions have been made. Nevertheless, especially before 2011, there were many cases of impunity, and even today, some penalties are derisory in view of the harm done: all the proceedings have taken place in closed hearings, despite the objection of the victims.

If the complaint is withdrawn, the prosecutor can continue the investigation, except in the event of domestic violence. Legal aid is in principle free and accessible to all, but funds are missing, and the process is very slow, and sometimes women cannot access it at all. Moreover, women can be dissuaded to access this legal aid in police offices, with the idea that she may have provoked the acts of violence. Women's rights NGOs do, however, offer free legal support. Generally, judges have very conservative attitudes and do not hesitate to trivialise or minimise the attack or harm in order to "protect" the family or social order. Moreover, no training is given to court professionals concerning violence against women.

## *Special vulnerabilities*

There is little or no statistical data concerning the different groups of women with special vulnerabilities, such as migrant and refugee women, women with disabilities and domestic workers. There is no system for prevention and social protection, except for women with disabilities, but even they do not have access to specific support measures. The law offers a protection system and sets the legal age for domestic work, but there is no supervision or monitoring mechanism attached to it. Girls and minors are heavily exposed to violence within the family, at school and even in public spaces, especially with the rise of Islamist ideology since 2011. This has led to the emergence of new forms of inequality which can lead to harassment of girls at school and even to them dropping out of school<sup>4</sup>. Single women are subject to severe social stigma and also suffer from discrimination, in particular in their right to access to abortion. The national survey published in 2011 highlighted the difficulties for women in rural areas in accessing public services. Furthermore, these women are also often exposed to gender-based violence.<sup>5</sup> Female prostitutes only have access to healthcare to combat sexually-transmitted diseases in controlled brothels. They are furthermore subject to severe social stigma, and are more likely to be victims of violence.

## **Combating violence against women in the framework of Europe-Tunisia cooperation**

### *European Union-Tunisia cooperation*

The EU is providing financial support for the process of adopting the bill on violence against women and girls, within the scope of the EU-Tunisia Action Plan, as part of the European Neighbourhood Policy. The section on "Promotion and protection of the rights of women and children"<sup>6</sup> also aims to combat discrimination and violence against women, and to promote gender equality. In 2012, a Civil Society Support Programme (PASC) was launched<sup>7</sup>; it is a cooperation programme between Tunisia and the EU falling within the framework of "European support for transition and sustainable establishment of democracy in Tunisia" with an overall financial support of 7 million euros.

4. Parents prefer to withdraw girls from schools because they think their place should be at home, or because they want to prevent them from the discrimination they can be victims of at school or in the street. It may also be for economic reasons.

5. <http://www.leconomistemaghrebin.com/2014/03/03/tunisie-femme-rurale-vulnerable-determinee/>

6. [http://eeas.europa.eu/enp/pdf/action\\_plans/tunisia\\_enp\\_ap\\_final\\_en.pdf](http://eeas.europa.eu/enp/pdf/action_plans/tunisia_enp_ap_final_en.pdf)

7. [http://www.epd.eu/?page\\_id=2689](http://www.epd.eu/?page_id=2689)

8. <http://south-programme-eu.coe.int/Source/NCP/TunisieFR.pdf>



## *Council of Europe-Tunisia Cooperation*

Gender equality is one of the 2012-2014 priorities for Tunisia in the framework of the European Neighbourhood Policy with the following objectives: “To consolidate and promote the rights of women and reduce inequalities” and “To combat violence against women and domestic violence”<sup>8</sup>. Within the scope of the comprehensive law on violence against women and children, SEFF is working in partnership with the Council of Europe, but also with UNFPA and UN Women.

### **Recommendations for the Tunisian government:**

- Apply the CEDAW recommendations by integrating international instruments for combating violence against women into national legislation;
- Promulgate the comprehensive law on violence against women and girls;
- Promote equality by means of a communication strategy through all media;
- Set up a special compulsory education programme in primary and secondary schools aimed at promoting non-violence against women;
- Train all workers, judges, lawyers, police officers, social assistants and all administrative staff involved in cases of violence against women.

