



Baseline study on the UNSCR 1325 implementation in Tunisia

Executive Summary
2017



Grâce à la généreuse contribution du
Gouvernement de la République de Finlande

I. Insecurity related to the rise of violent fundamentalism is today one of the greatest threats to world peace. Of course, insecurity has no gender, but it finds in the gender social relations the soil that allows it to prevail and to have the greatest impact. Conflicts do not affect men and women in the same way and in the same proportions. "Behind the statistics on human losses, economic damage, the number of displaced people ... lie realities which have been experienced differently by men and women".

As a response to the problem, the United Nations Security Council adopted Resolution 1325 on women, peace and security on 31 October 2000. Resolution 1325 lays down the security of women as a leading indicator of peace and security, and emphasizes their role in preventing and participating in negotiations and conflict resolutions, as well as in reconstruction, consolidation and peacekeeping. It urges actors (States, national and international organizations) to adopt a "Women, Peace and Security" action plan by integrating "a gender perspective and assessing the impact on women and men of all envisaged actions in particular in legislations, policies or programs in all sectors and at all levels".

Member countries whether they are in conflict or not, should opt for a "human" view on security, based on respect for human rights and gender equality rather than on pure militarization and the strengthening of repressive mechanisms. Seven other Resolutions on Women, Peace and Security, followed Resolution 1325 to complete and particularize it along the lines of its application; 1820, 1888, 1889, 1960, 2106, 2122 and 2242.

II. The adoption of an Action Plan for the implementation of the Women and Peace agenda in Tunisia requires the identification of strategic priorities. More specifically, it should be based on an institutional audit that would make it possible to identify and evaluate the involvement and impact of the main actors and stakeholders (governmental and non-governmental) that take part in the implementation of the W.P.S (Women Peace Security) agenda. This should be done according to the four pillars on which Resolution 1325 is based: prevention, protection, participation / representation and consolidation /adjustment. It is the objective of this study on the current state of the implementation of the W.P.S agenda in Tunisia, which The Center for Research, Studies, Documentation and Information on Women (**CREDIF**) is working on, in partnership with UN WOMEN.

Tunisia is not a country in a conflict situation, but a country living under the threat of breaching peace and stability. It is all the more threatened as it is situated in a geopolitical context of general insecurity directly involving its civilian population (trafficking of all kinds, smuggling, terrorism related to religious radicalization), which threatens its security as well as the security of the region.

III. The prevention component considers the legal and institutional investments of Tunisia in the elimination of root causes of conflicts, which affect women in their daily lives: physical, sexual, moral or economic violence.

Since its independence, Tunisia has had an ever-expanding legal arsenal containing sufficient texts to prevent various aspects of discrimination against women and to guarantee them social status, as well as political and economic rights. The Code of personal status (**CSP**), promulgated in 1956, has played a decisive role in the history of the emancipation of women and the equal recognition of their rights in all spheres of private and public life in Tunisia. The law also provides support for advocacy on violence against women: such as rape, harassment and marriage of minors.

Tunisia also has an institutional arsenal of governmental and non-governmental institutions whose role is to carry out studies, observe and identify policy, programming or security gaps: **National Family and Population Office (ONFP)**, **CREDIF** and several Observatories belonging to feminist NGOs. These actors are partners in the development of studies on the prevalence of violence against women and in the design and implementation of the national strategy to combat violence against women throughout their life cycles, initiated by the Ministry of Women's Affairs, the Family and Children and whose implementation began in 2012.

Since 2011, Tunisia has embarked on a series of reforms regarding its justice and security systems, in which emphasis was placed on the prevention of all forms of violence based on gender. This reform attributes special importance to the training of managers in the human rights and gender approach, and envisages the adaptation of institutions to the care of women victims of violence.

IV. The work carried out regarding the texts (laws or draft reforms) marks out, as a preventive measure, the frameworks of protection. However, a law passed and adopted does not give immediate enjoyment of the right it grants, as it requires an enforcement text. There are laws that have been in place since 1955 that have not yet been applied due to the lack of enforcement texts or appropriate institutional mechanisms.

Until now, there has been no translation of the constitutional and legal texts (in particular articles 21 and 46 of the 2014 Constitution) into action programs for women or in terms of principles or standards for concrete actions directing the pacification efforts of society.

The ignorance of women of their own rights, mainly rural women, must be added to this. This ignorance means that, very often, women make concessions on their own rights without their knowledge, losing their accredited rights. The outcome of trials makes these women suspicious towards justice: only 17% of women victims of violence report it and 73% do not expect anything from the structures and services in place.¹

¹National Survey on Violence against Women 2010

The protection of women, with the perspective to maintain peace and security, requires a comprehensive strategy for a lasting peace based on a strong school system that prepares for social life, regulated by the values of equality. Such a system should prepare for working life, and be backed up by a system of professional training, which protects from unemployment and delinquency in all its form, especially legal literacy of women.

Yet, Tunisia is still struggling to achieve a sustainable and inclusive development process that would address the underlying causes of the threats to peace, including concrete economic measures aimed at eradicating poverty and ensuring the inclusive socio-economic development respecting gender equality and human rights, despite:

- A **political and legal framework** designed to ensure the **legality and equality of the citizens**, regardless of gender, that can promote the significant participation of women in peace building and peacekeeping.
- The establishment of a number of national bodies and independent structures working in the field of human rights to guarantee the protection of human rights and the rule of law.
- A **transitional justice** process designed to address the root causes of impunity for gender-based crimes, injustice and exclusion.
- The presence of **governmental and non-governmental actors** (active and vigilant civil society) involved in the field of women's rights and their security and being able to detect threats to women's security.

However, women are not protected and there is no such thing as full equality of opportunity, nor an equal presence of women in decision-making positions, which would reflect their supremacy as to the number of graduates and their superior number of candidates for various elections.

V. It should be noted that the protection of women from economic and social precariousness, as well as their participation and their representation in decision-making positions, whether in elected bodies or in the administration and appointed posts is not a problem of legal framework. It does however concern the interpretation of this framework and its application. Indeed, Tunisian legislation does neither encourage nor impede women's access to positions of responsibility and there is no segregating law as to the rise of women in the professional hierarchy.

The integration of the principle of equality of citizens in the Constitution of 2014 (arts. 21 and 46), reference to previous achievements of women, as well as the ratification by Tunisia of a set of international conventions which relate specifically to women's rights, can ensure the equal participation of women at all levels of decision making. Tunisia has notably ratified the Convention on the Political Rights of Women (1967), the Convention on the Nationality of Married Women (1967), the New York Convention on Minimum Age, Consent And the

Registration of Marriage Documents (1967) and the Convention against Discrimination in Education (1969),

VI. The absence of women in decision-making positions has a greater impact on peace and security when it comes to regional power. First, because decisions to open and close cultural and religious spaces or private schools (kindergartens, Koranic schools, etc.) depend on local authorities (for example, since 2014 almost all decisions to close kindergartens and childcare centers with suspicious activities and programs, ordered by the MFFE the Ministry of Women's Affairs ,the Family and Children, have not been carried out by the governors). Subsequently, because aid to families in need and the granting of cards for persons in need is decided by regional authorities and women often end up being the ones aggrieved.

It should be stressed that currently, there exist no national gender strategy nor a gender action plan with a program to implement legal, institutional, operational and tangible change that reflect what is due to women by the virtue of articles 21 and 46 of the 2014 Constitution. The last initiative for the promotion of women dates from 1998 and concerned rural women. "This plan, which was aimed at promoting the effective integration of rural women in the development process, was not able to achieve its objectives even with the intervention of Spanish cooperation for the most priority actions being the training and support for the community work of rural women."²

"Gender violence, as reflected in the various national surveys from 2010 to 2016, does not represent isolated acts, attributable to their deviant perpetrators, but structural and systemic factors of a global order based on male dominance and the social disqualification of the feminine"³. Thus, the fight against such violence must also take a structural and systemic approach on the legal level as well as the institutional and cultural ones.

This new context poses more challenges for Tunisia, in addition to others caused by the country's democratic transition after the revolution. In addition to the urgent need to consolidate the rule of law and ensure economic growth, Tunisia must now adopt a global security policy adapted to the current national, regional and global context. At the same time the country is implementing a strategy to combat violent extremism, which is a breeding ground for terrorism, smuggling of drugs and human trafficking, of which violence against women is both a facilitating framework as well as a direct result.

For a country that is not in conflict, peace and security consolidation can only take place in the form of preventive consolidation because "investments in preventing the root causes of conflicts are clearly preferable to those that would be needed to respond to these same conflicts once they have broken out."⁴

²European Union, Gender Profile of Tunisia 2014.³ Sana Ben Achour: violence against women, laws of the genre. Euro Med Rights, May 2016, p.7. ⁴ Security Council 7629th meeting, CS / 12253/23 February 2016