

Chapter Seventeen

Tunisian Women: Political Role, Gains and Challenges (The Case of Parity)

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2011 was the year where Tunisian history suddenly witnessed a significant turnout by the outbreak of the popular uprising in Tunisia causing the fall of the authoritarian regime. That revolutionary movement led to free elections of the National Constituent Assembly (NCA) responsible for drafting the new constitution, which should be the symbol of a break with the past. For the first time, people of Arab countries, proclaiming their desire for democracy and without any outside help, managed to cause the downfall of an authoritarian regime and become masters of their own destiny. Hence, the hope of building an egalitarian society and a democratic state is finally allowed.

Ironically, 2011 was also the year when the story seemed to go back at least half a century for Tunisian women with a threatening public debate on women's rights. The questioning of the legal and social status of women has become systematic, recurrent and accepted.

Women's rights are part of the great achievements of independent Tunisia. President Bourguiba ensured since independence—and even before—the promulgation of the Constitution of June 1, 1959 to codify the right of the family in a reformist perspective, through the Personal Status Code (PSC), adopted August 13, 1956. This code is the result of a reformist movement that began in the late 19th century and defended the idea of a modern society and state.

Other laws and policies recognizing women's civil and political rights were adopted to fight any resistance to equality. Tunisia has ratified almost all international instruments on women's rights, including the International Convention on the Political Rights of Women and the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but with reservations and general statements.

However, a reading of the period from independence in 1956 to January 14, 2011 shows that Tunisia witnessed two phases: one was Bourguiba's reign (1956–87), which was marked by “the feminism of the state.” Being a product of political will of those in power, embodied by the leader Bourguiba, the emancipation of women was part of an overall project to modernize Tunisian society. The period from 1987 until January 14, 2011 was characterized by political recovery of the emancipation of women in the new government and by the use of their assets for the purposes of political propaganda. In the absence of a real project of society, a feminist state mainly granted legal equality to show how the country was advanced and gave a real value to Tunisian women.

During the uprising (December 2010–January 2011), women were able to experience equal citizenship, which resulted in a very strong participation in the protests both in real and the virtual space. Hence, women were the human rights activists, the trade unionists, the opposition politicians, the bloggers, the protesters, etc... In this vast laboratory of transition, deconstitution and reconstitution, the range of possibilities is enormous.

The struggle for parity in the electoral lists was one of the major challenges for the cause of gender equality. But the elections results of the NCA demonstrated the limits of the campaign and the risk of regression endangering the Tunisian modernist project. In this context marked by political positions and ideological conflicts, attitudes towards gender equality ranged from defenses, threats and new conquests.

During the pre-election period of the NCA, the crises were numerous, but the concerns of institutions of this period were political, administrative, revolving around the management of crises and the establishment of a democratic pluralistic legislative arsenal in accordance with the objectives of the revolution. The debate about religion was virtually absent. The “highest authority of the objectives of the revolution, political reform and democratic transition” (HIROR) involving political actors and civil society, was developed and adopted between April and September 2011 with “five liberating country laws: the electoral law, the law on the independent electoral authority, the law on political parties, those concerning freedom of the press, and the law on freedom of the media.”

However, all the instances of transition that were implemented during the transitional period before the elections of October 23, 2011 had a gender-unequal composition and were directed by men without exception. Within the HIROR, progressive activists and feminists fought for the inclusion of gender equality in the electoral law of the NCA to ensure adequate representation of women in the assembly in charge of drafting a new social and political pact for Tunisia. In addition, women's participation was considered as the best defense against obscurantism. This mobilization was successful with the adoption of the Decree of May 10, 2011 where Article 16, instituting parity and alternation in the electoral lists, marked a significant step forward in Tunisia, in the region, and in the image of the revolution. On the other hand, parity continued to be the subject of debate and did not seem to produce the desired quantity and quality effects. A negative message for gender equality in Tunisia emerged from the results of the October 23 elections.

If Tunisian women could not vote in the elections of the first Constituent Assembly in 1956, they were able to do it starting from the municipal elections of 1957, with a decree on the election excluding any gender discrimination against women voters. It is the same for the Electoral Code of 1966, which ensures equal rights for women and men. However, Tunisian women remained under-represented in public and political life. Power remained in the hands of men belonging to the hegemonic party.

To break with this discriminatory phase, it was important that the first real elections in Tunisia be pluralistic, transparent, credible and democratic under the control of the Independent High Authority for Elections (ISIE).

The Decree Law of May 10, 2011, concerning the election of the National Constituent Assembly, was characterized by an innovative element according to which Article 16 of the Act establishes parity in candidacy between men and women, alternating male and female names in the electoral lists and cancelling the lists that do not respect this rule.

Ignored by the media, the parity of nominations witnessed many objections. For some, parity is a "standard set" and detrimental to small parties of inland areas. It is "an illusion," a mere "decoration of

participation” that does not match the “natural” skills of women because they are “unable to work in the political field.” For others, the parity is “unworthy if it humiliates women.”

Hence, the participation of women in the first democratic elections after the revolution was as follows:

- The female enrollment rate is 45 percent.
- There were 5502 women candidates.
- 128 lists are headed by women, 85 are lists of parties and 43 independent candidates.
- No list headed by a woman in the constituencies of Jendouba Kairouan, Sidi Bouzid, Kébili.
- Only 7 percent of the electoral lists were headed by women.

Feminists were disappointed. Only the coalition Democratic Modernist Pole (PDM) applied parity at the heads of lists with 16 women at the head of its 33 lists. The Ettakatol party of Mustapha Ben Jaafar has meanwhile managed to have four lists among its 33 presided by women. The Congress for the Republic (CPR), Moncef Marzouki’s party, has presented one woman at the top out of its 33 lists. The Democratic Progressive Party led by Maya Jribi presented three women at the top of its lists. The Nahda movement, meanwhile, has placed one non-veiled woman as a head of list. This symbolic gesture reveals the absence of a genuine conviction of parity within the party, which seems rather to respect the parity but in second position.

Not everyone was necessarily prepared for parity, but this requirement has truly put the civil society up to a new challenge, a new way of looking at politics. The women were at the front of the stage. Attitudes have not always accepted this participation.

It is precisely against the political marginalization of women and in order to increase their participation in the process of transition that the Tunisian Association for Democratic Women (ATFD) led the campaign “Do not let them steal your voice”¹ and the League of Tunisian Women Voters was born in August 2011.

¹<http://www.femmesdemocrates.org>.

However, social practices and sexist stereotypes against women in political leadership persist. Many men and women do not envision women as leaders in the political or public sphere. Some activists of the feminist cause were present on the electoral lists and as they carried the project of an egalitarian society, they have been more exposed to campaigns of defamation. The campaigns of intimidation and denigration against progressive women since January 14, especially in social media, played against those candidates.

It is also important to point out that the lack of media coverage for women during the elections campaign was significant. Women political actors, or party candidates or heads of lists, occupied a small space in the media coverage. It was 2.02 percent in the press, 4.92 percent on radio stations, and 2.02 percent on television channels. The media marginalization of women is not new, this is unfortunately a tradition in Tunisia. Before January 14, the former president's wife was "the only Tunisian woman to hold the media scene by appropriating the question of women's issues as being the president of the Basma Association and president of the Arab Women's Organization."

From this warm euphoria, parity seemed to be an illusion, as the elections results suggest that the battle for gender equality will be tough.

Election Results: The Time of Disenchantment

The elections of October 23, 2011 were the first democratic, free and fair elections in Tunisia. Despite the criticism of the composition of the ISIE and/or lack of efficacy in the control of the elections campaign, no party has been able to challenge the election result.

The Nahda party won 89 out of 217 seats. The Congress for the Republic won 29 seats, the Popular Petition (Al Aridha) 26 seats. Democratic Forum for Freedom and Work, or Ettakatol, had 20 seats. Fifty-nine women made it to the Constituent Assembly. They represent 27 percent of the 217 elected.

Because it won several seats in each constituency, the Islamist Nahda party is the one who brought the most women to the Chamber. Among the 59 women elected, 42 are members of the party. They represent 47 percent of the 89 women elected members of the party.

As for women's participation in the constituencies within the six NCA commissions, only the Commission on Human Rights and Freedoms is chaired by a member of the parliamentary group of Nahda.

At the government level, the Nahda party, not having an absolute majority of seats, was forced to deal with the CPR and Ettakatol to form a coalition government, the "troika." Despite inflation at ministerial portfolios, the representation of women is poor.

Based on this under-representation of women in the NCA and the government, the risk of regression for women's rights emerges in particular from the general political context and the profile of the winner.

Furthermore, after January 14, 2011, and especially after the victory of the Nahda movement in the NCA elections, both the risk of regression and citizen vigilance increased. Despite the differences between the Islamist and democratic parties, including the civil nature of the state and gender equality, these two faces of Tunisia coexist in the society and in the NCA and even called to find a compromise for the new constitution. Beyond the battle for egalitarian legal texts, another battle loomed, the resistance to the creeping radicalization against individual, cultural and political freedoms, pluralism and social peace.

This anxious climate that the Tunisian society in transition lives with identity fears, sharpened by the trends of political Islam, is projected on the female body and the passions are exacerbated to the point of obscuring the real social challenges and policies. In post-January 14 Tunisia, the battle between democrats and Islamists looked tough. Its battleground is definitely women and their rights.

2014 will be a decisive year for the future of Tunisia and Tunisian women and men. The adoption of the new constitution and the holding of legislative and presidential elections will determine the direction of Tunisia for several generations. Citizen vigilance and mobilization of the civil society and the democratic parties played an important role to defend the humanist and egalitarian message of the revolution.

The best example is the amendment to Article 45 that the NCA passed in the constitution protecting women's rights and seeking to ensure gender parity in elected government. The Assembly accepted an amendment to Article 45, outlining the protection of women's

rights under the new constitution. The amendment passed, with 116 members in favor, 40 opposed, and 16 abstentions.

It was the most challenging article that created a controversy in the voting process. The difference in number between the deputies for and against the amendment was very close. Nine women deputies from the Islamist party Nahda voted against. The amended article reads: "The state guarantees the protection of women's rights and supports the advances therein. The state guarantees equal opportunities for women and men to take on various responsibilities across domains. The state strives for gender parity in all elected councils. The state takes all necessary measures to eradicate violence against women."

This amendment is the fruit of a very strong advocacy campaign conducted by the civil society with significant participation from the League of Tunisian Women Voters (LET). Together with a number of other feminist associations, we (the League of Tunisian Women Voters) developed a group of recommendations among which was parity in all elected councils, given that the constitutional draft did not make any reference to parity in the first place.

A day before the voting on women's rights in Article 45, the League of Tunisian Women Voters with other associations that defend women's rights organized a demonstration in front of the NCA to ask for constitutionalizing the equality between men and women and parity in all the elected councils.

During the demonstration, a group of women activists was allowed to enter the NCA and present the recommendations to a large number of deputies and journalists.

The following day, Article 45 was positively amended as stated above. We consider this a successful step towards the gain of parity. Despite the wording of "the state strives to..." instead of firmly establishing it, we acknowledge that it is now the role of the civil society to advocate for applying parity as a must and not an option.