



Violence against women and Tunisian feminism: Advocacy, policy, and politics in an Arab context

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Abstract

Informed theoretically by feminist sociological and political science research on women's social movements and women's engagement with public policy, this article examines the advocacy and political work of women's rights groups in Tunisia in the area of violence against women. It locates the origins of the concern about this particular social problem, shows how the women's rights groups worked with government agencies as well as transnational feminist networks to raise awareness and institute policy changes, and examines how their research, advocacy, and lobbying efforts have evolved. Drawing on the personal experience of the first author, who has been a longstanding participant in the Tunisian women's rights movement, as well as on various publications by ATFD and AFTURD and related documentary data, the article shows how a relatively small feminist movement has been able to leverage its relationships with other civil society organizations to influence changes in policies, laws, and public debates.

Keywords

Citizenship, constitution, feminism, policy, Tunisia, violence against women

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Introduction

Tunisia is a good case study of feminist advocacy and political work around violence against women for a number of reasons. First, although a small country situated in the Arab North Africa subregion (the Maghreb), Tunisia is home to two vibrant and long-standing feminist organizations, l'Association Tunisienne des Femmes Démocrates (Tunisian Association of Democratic Women, ATFD) and l'Association des Femmes Tunisiennes pour la Recherche et le Développement (Association of Tunisian Women for Research on Development, or AFTURD), which also have been associated with transnational networks such as the Maghreb-wide Collectif-95 Maghreb-Egalité, the Association of African Women for Research and Development, and the Marche Mondiale des Femmes (the Women's World March).¹ Since their emergence in 1989, ATFD and AFTURD have collaborated with the Tunisian League for Human Rights, the large trade union UGTT, l'Office National de la Famille et la Population (the National Office of the Family and Population, or ONFP), and the government-sponsored women's policy agency CREDIF on human rights, labor rights, and women's rights issues. Second, ATFD was the first women's rights organization in the Arab region to establish a *centre d'écoute*, or counseling center and hotline for women victims of domestic violence, an initiative that spread to Algeria and Morocco and eventually elsewhere in the Arab region. Third, Tunisia has the distinction of being the positive example and outcome of the Arab Spring, with successful democratic procedures and an egalitarian constitution, in part because of its influential women's rights movement. Article 46 of the Constitution approved on 26 January 2014 stipulates that: 'The State shall take the necessary measures to eliminate violence against women.' Nonetheless, since the political appearance of Islamists in Tunisia, feminists have been vigilant about past gains and concerned that some of the gender rhetoric of radical Islamists is a form of symbolic violence.

In providing documentation of narratives, networks, and agendas of women's rights organizations and their partners, this article draws on the personal experience of the first author, who has been a longstanding participant in the Tunisian women's rights movement, and on ATFD and AFTURD publications and related documentary data. Informed theoretically by feminist sociological and political science research on women's social movements and women's engagement with public policy, and in line with research by Htun and Weldon (2012) among others, we underscore the importance of women's civil society organizing and lobbying while also noting the salience of 'state feminism' in the Tunisian case. Our article draws attention to the interplay of global norms and local activism, and to the contention that arises around cultural framings in movement mobilizations and campaigns.

Context: The problem, activism, and policy

Violence against women is present across cultures, historical periods, and political systems; it occurs in contexts of the politicization of ethnicity, wars, and criminal activity. Feminist social theory locates it in (gendered) power asymmetries at micro and macro levels. Across time and space, men have been socialized into hegemonic or hyper-masculinity and accorded privileges and entitlements while women have been subject to

men's supervision or control within the family, placed in subordinate roles in other societal domains, and often considered as sexual objects. Wife battering and sexual harassment are universal social problems, but culture-specific forms of violence against women include date rape/campus rape, compulsory veiling, female genital mutilation (FGM), forced marriage, honor killings, female feticide, dowry deaths, bride fattening, acid attacks, and virginity tests. Such violence takes place within the home, on the streets, and at workplaces, universities, and clinics; some forms, such as compulsory veiling or punishments for adultery or premarital sex, may be state-sanctioned. All are examples of *structural violence*; that is, rooted in unequal gender relations, patriarchal laws and norms, and geopolitics rather than solely in individual pathology (Lawson, 2012).²

Second-wave feminism identified violence against women – including rape, spousal abuse, and workplace sexual harassment – as critical issues for the women's movement. Activism in the United States and United Kingdom resulted in the enactment of new laws and policies, the establishment of shelters for 'battered wives' and other victims of domestic violence, and training for police, medical personnel, and social workers. Violence against women also became the subject of transnational advocacy and activism. Transnational feminist networks had formed in the 1980s to protest the dire effects on women from economic restructuring and fundamentalist movements and laws (Moghadam, 1996, 2005) but according to Keck and Sikkink (1998), transnational women's networks rapidly grew in strength once they adopted violence against women as a human rights issue. Framing violence against women as a human rights issue resonated with many lawmakers and policymakers, especially at the global level. For the United Nations, violence against women was seen variously as a violation of the Universal Declaration of Human Rights, as a block on women's ability to take part in the development process, and as a health issue. Ending violence against women became a global norm, one that could be effectively and legitimately utilized by local activists.

In response to scholarship, advocacy, and activism, the UN's General Assembly issued the 1993 Declaration on the Elimination of Violence against Women, defining it as 'a manifestation of historically unequal power relations between men and women, which has led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men'. Earlier, the UN's Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) called on states-parties to abolish any law, custom, or practice that inhibits women's rights, and violence against women was one of the 12 'critical areas of concern' of the 1995 Beijing Platform for Action.

When Radhika Coomaraswamy of Sri Lanka was appointed UN Special Rapporteur on Violence Against Women (1994–2003), she criticized the academic discipline of anthropology for the concept of 'cultural relativism', which had been used by community and national leaders as a way to reject notions of women's human rights, including freedom from domestic violence. Coomaraswamy's successor, Yakin Erturk of Turkey (2003–2009), submitted a report in 2007 on the intersection of culture and violence against women that acknowledged a new anthropological conceptualization of culture but reiterated the critique of cultural relativism (Dauer, 2014: 3–5). Erturk's successor, Rashida Manjoo of South Africa, highlighted the relevance of concepts of

intersectionality and structural violence to analyze and interrogate violence against women, and in September 2014 issued a report examining the problem through the lens of citizenship.

Citoyenneté is in fact the lens through which North African feminists analyze gender relations and offer solutions to inequality. In their longstanding advocacy for the removal of reservations entered by states that signed or ratified CEDAW, women's rights groups in Tunisia and elsewhere have demanded equal rights of citizenship for women. They view a life free of domestic and other forms of violence as a measure of equal and substantive citizenship as well as a necessary condition for dignity. As ATFD noted in a 2013 publication: 'Cette activité de lutte contre les violences faite aux femmes représente un axe important de la vie de l'association'³ (ATFD, 2013b: 5). Violence against women is also understood to reflect patriarchal culture and laws, as it was in the early years of US and UK conceptualization and advocacy (see Dobash and Dobash, 1979; MacKinnon, 1989).

Violence against women has been present for so long that it is often seen as 'natural' or inevitable. Surveys conducted in some countries find that even women have internalized the idea that domestic violence must be their own fault, and that men are entitled to 'correct' their wives or female kin. Patriarchal family laws that place women under the supervision of male kin or husbands reinforce cultural norms entitling men to discipline the women in their family. Family law also enshrines the *mahr*, or dower, which is rooted in the concept of exchanging money for marital sexual services and childbearing. Women's rights advocates identify family law as well as other structural foundations of violence against women: The marginal position of women in paid employment; provisions in the Penal Code enabling a rapist to escape punishment by marrying his victim; national narratives about, and legal references to, marriage and the family that place single women and single mothers in a vulnerable position; and the small percentages of women in decision-making positions and in political power.

In the 1990s, as women's rights groups proliferated in what was an emergent civil society in Arab countries, Moghadam (1998) identified four common demands: Reforming patriarchal family laws and repealing all discriminatory laws; equal nationality rights for women, so that those married to foreign men could pass on their nationality to their children; criminalizing violence against women; and policies to increase women's economic and political participation. Tunisian women were fortunate in having a relatively liberal family law, but violence against women was regarded as a serious social problem at least as early as the 1980s, with feminists drawing attention to the ways that aspects of the law as well as women's social positions could perpetuate male dominance.

Tunisia: The state and feminist advocacy

Postcolonial Tunisia was built on the pillar of modernity and a moderate Arab-Muslim identity, with the rights of women firmly enshrined in the family law and personal status code, known in French as le Code du Statut Personnel (CSP) and in Arabic as the *Medjellat al ahwal al shakhsia* (Arfaoui, 2007, 2011; Chammari, 1991; Charrad, 2001; Tchaicha and Arfaoui, 2012). Adopted in August 1956, the CSP raised the age of

marriage for girls to 17, banned polygamy, and gave women the right to divorce and to child custody (to this day, many Muslim-majority countries still privilege men in matters of divorce and child custody). Tunisia produced many women lawyers and jurists, who were probably inspired by the French-educated lawyer-president Habib Bourguiba. Along with the Egyptian state under Gamal Abdel Nasser of Egypt, Tunisia was deemed the quintessential 'state feminist' regime, given its measures to improve the legal status of women, encourage schooling and higher education, and incorporate women in public administration (see Charrad, 2001; Hatem, 1994).

When Zein El-Abidine Ben Ali succeeded Bourguiba as president of Tunisia in 1989,⁴ he continued the secular republican legacy while also presenting himself as a champion of women's rights. In 1991 ATFD began working on the issue of domestic violence and sexual harassment creating a space for women victims. The group initially lacked a strategy, but the project was so well received that the ATFD had to find a way to tackle the flow of women seeking help. A *centre d'écoute* was established in 1993, with a person on duty to receive calls or visits by women victims. After a commission was formed to find strategies to tackle violence, an international seminar convened in Tunis on 11–13 November 1993 and produced a published report, *Les Violences à l'égard des femmes* (ATFD, 1995). In 1993, as notions of human rights, women's rights, and combating violence against women diffused globally, an amended Article 218 of the Penal Code introduced punishments for perpetrators of family violence. The National Office of the Family and Population (ONFP) followed by offering medical care to women victims of family violence, though implementation was stymied because of low reporting, inadequate police training, and lack of public awareness of the law and services.⁵

The relationship between feminists and the state was tense. On the problem of political Islam, the Ben Ali regime and the feminist groups agreed, but dissidence was not tolerated, and some feminists found themselves harassed by the political police when they ventured outside of 'women's issues' into what were deemed to be political issues, such as the human rights of political prisoners or the right to organize and protest. The well-known constitutional lawyer and ATFD activist Bochra Bel Haj Hamida was harassed by the political police in the early years of the new century, as was Khedija Arfaoui in 2009. Law professor and women's rights advocate Alya Chérif Chammari was harassed, and her husband (a human rights lawyer) detained when they raised questions about the treatment of political prisoners. Speech and collective action were restricted, and feminists found that they could not secure a public place for a general assembly. Tunisian feminists were fiercely proud of the CSP and women's constitutional rights, but their insistence on remaining independent of the state cost them funding and other resources.

Still, progress for women during the Ben Ali era included a relatively high proportion of women in parliament (23–25%) from the two main political parties; involvement of women in the judiciary as lawyers and judges, as well as law professors who served as legal experts; the formation of the women's policy agency CREDIF, tasked with commissioning research on women's economic and social issues, including submitting reports to the planning ministry; and the hosting of the Center of Arab Women for Training and Research (CAWTAR), the region-wide women's research and policy agency whose director was a Tunisian law professor. ATFD and especially AFTURD

cooperated with CREDIF and CAWTAR on research and advocacy reports regarding women's legal status and social positions.

Earlier, the Collectif-95 Maghreb-Egalité had been formed by feminists from Tunisia, Algeria, and Morocco in the run-up to the Beijing conference, and it worked with transnational feminist networks such as Women Living under Muslim Laws (WLUML), formed in 1984 in opposition to Islamic fundamentalism and discriminatory family laws, and later the Women's Learning Partnership for Rights, Development, and Peace (WLP), as well as with Arab and international human rights groups. The Collectif cooperated on seminars, books, and media activities; a key publication in 2003 was a manual about family law across the Maghreb, entitled *Dalil pour l'égalité dans la famille au Maghreb*, published in French and Arabic and later translated into English by the WLP. Feminists in Morocco and Algeria looked to Tunisia's CSP as a model for their own countries.⁶

Tunisia's government hosted the 2004 Arab League Summit in Tunis, and in an opening speech, Ben Ali called on the member states to 'consider the promotion of the rights of Arab women as a fundamental axis of the process of development and modernization of Arab societies' (Labidi, 2007). The environment of state feminism as well as the hard work of women's rights advocacy enabled the passage in 2004 of the country's first legislation combating sexual harassment. The legal frameworks may have been favorable, but social realities and cultural norms lagged behind. At a 2006 seminar on battered wives, a Tunisian lawyer asserted that 'the police in charge of reporting on the cases of conjugal violence must be trained. And the husband has to know that the law forbids violence against one's wife, even though he may consider it a reaction to his spouse's disobedience' (cited in Hamrouni, 2006: 26). A survey carried out in the early part of the new century found that 55% of battered women received such abuse two to four times a year, 11% of whom suffered serious injuries such as fractures, wounds that needed stitches, miscarriages, and psychological disorders. At the same seminar, a medical doctor reported that in over 70% of the cases the victim declined to identify her aggressor; many also did not initially seek medical attention (Hamrouni, 2006). Clearly there was slippage between the law and the cultural practices. The WomanStats database reports that 'about 47% of Tunisian women aged 18 to 64 have been the victim of violence (ranging from harassment to physical violence) at least once in their lifetime, according to the last survey by the National Office of Family and Population, published in late 2010. In most cases, the survey says, assaults occur in a domestic setting.'⁷

There also remained slippage between existing laws and feminist demands for greater legal equality. Inconsistent social rights and economic citizenship for women constituted a structural foundation for violence. Within the framework of a Spanish-funded project on economic repercussions of violence against young women in greater Tunis, 2008–2010, AFTURD commissioned a study, carried out in 2008–2009 by two activist researchers. The study noted how women's concentration in low-wage and precarious 'feminized' occupations such as textile or domestic workers, and especially domestic work carried out by teenage girls from impoverished families who should otherwise be in school, could make women and girls vulnerable to various forms of violence (AFTURD, 2010). Another basis for violence, and the subject of intense feminist inquiry, was lingering discrimination in the CSP, namely, unequal inheritance (with male kin inheriting twice as much family wealth as female kin), and mixed marriage.

As noted in a 2011 US State Department Report on Religious Freedom, the Tunisian government forbids or does not recognize marriage between a Muslim woman and a non-Muslim man (Cesari, 2014: 247). As in other MENA countries, a Muslim man may marry a non-Muslim woman, but the latter cannot inherit from her Muslim husband. The problem of codified inequality in mixed marriages can be acute not only for the non-Muslim wife but also for the many Tunisian women living and working in Europe or the United States who marry foreign men, and it has been the subject of scholarship as well as advocacy (Chammari, 1991; L'taief, 2005).⁸ With respect to the Penal Code, there is no concept of spousal rape, and although Tunisian law stipulates severe sentences for a rapist, a loophole enables the rapist to marry his victim and thus evade punishment. In this context, Tunisia remains behind Morocco where, following the suicide of 16-year-old Amina al-Filali in 2012 in Tangiers, when she was forced to marry her rapist, an amendment to Act 475 of the Penal Code changed this through a unanimous vote in parliament. On 22 January 2014, Morocco's parliament voted for a sanction of five years' jail and a fine for any rapist.⁹

Feminist advocacy after the Revolution

The Arab Spring protests of 2011 resulted in regime change and the launch of a democratic transition. But it enabled Islamists, notably Salafists, to emerge and to call for 'Islamic' or 'traditional' practices that Tunisian feminists deemed misogynistic. In February 2012, Islamist organizations hosted the controversial Egyptian cleric Wagdi Ghoneim, known for his support of female genital mutilation. In response, 'a group of secular feminists led by prominent lawyer Bochra Bel Haj Hamida brought a lawsuit against Ghoneim on charges of inciting hatred as well as the unauthorized use of public spaces for the purpose of worship' (Cesari, 2014: 248).

The emergence of Islamism following the Revolution created dilemmas for feminist activists. On the one hand, the country's first democratic elections had brought to power an Islamist party, Ennahda (Renaissance), which proceeded to govern in a coalition with two secular parties until January 2014. Self-described as moderate and regarded as such by many outside observers, Ennahda nonetheless raised concerns for feminists, secularists, and human rights advocates because of its attachment to some aspects of Islamic law and its apparent tolerance of Salafist violence. Salafists were disrupting art galleries, theatres, and shops selling liquor; harassing unveiled women; and insisting that women wearing *niqab* be permitted to attend school, university, and various workplaces. The fact that Ennahda women wore modest Islamic dress and a headscarf seemed to suggest that unveiled Tunisian women deserved moral opprobrium, and Salafists used the new political environment to harass unveiled women and public figures known to be staunch secularists. Tunisian feminists were furious when discussion turned to overturning the ban on polygamy or tolerating 'religious marriages' that would enable a man to have more than one wife simultaneously or to marry one 'temporarily'.

The new political forces, however, had to contend with a vigilant and well-organized feminist movement, which participated in the agenda-setting process during the transitional period and the deliberations of the National Constitutional Assembly (NCA), charged with drafting a new constitution. When Islamists in the NCA proposed

constitutional language referring to women and men as ‘complementary’ rather than equal, feminists posted an online petition, on 2 August 2012, entitled *Protégez les droits de citoyenneté de la femme en Tunisie!*, which acquired over 30,000 signatures (Avaaz, 2012). A coalition of ATFD, AFTURD, the Human Rights League, the Women’s Commission of the UGTT trade union, the Tunisian section of Amnesty International, and the National Council for Freedom in Tunisia called for full and equal citizenship.¹⁰ Ennahda agreed to retain the reference to women’s equality.

As noted, Tunisia’s family planning office had provided figures showing that some 47% of women aged 18–64 had experienced violence of some kind, but typically domestic. That was bad enough, but the rape in September 2012 of Meriem Ben Mohamed by two policemen – whose defense was that she had been behaving immodestly with her boyfriend – galvanized Tunisia’s feminist population. The policemen were sentenced to seven years’ imprisonment, but protests took place then and in September 2014, when both the policemen and Meriem appealed. Facebook petitions were organized, and on the streets protesters held up placards in Arabic and French with statements such as ‘crime d’état, viol d’état’, and ‘En Tunisie le viol est justifiable quand la police est coupable’.¹¹ As part of the public action that month, ATFD organized a national workshop and launched an Action Plan 2015–17 on Violence against Women; in attendance were ATFD representatives from branches in Tunis, Ben Arous, Bizerte, Sfax, Sousse, and Kairouan, who reported on their work.¹² In November 2014, a Tunis court doubled the sentence to 15 years,¹³ and ATFD followed with a press conference stating its satisfaction. Still, it joined a 16-day campaign in November–December 2014 to protest rapes and physical and verbal forms of violence, with the motto ‘Behind every abused woman, there is a law’.

At the September 2014 workshop, activists reported that branch teams were unable to cope with the large number of cases of conjugal violence. As the Sfax representative noted, ‘Team members often have to do the listening. When too many women come seeking help, it is too much work and we can’t cope with that.’ Kairouan reiterated the problem, noting the presence of just one woman lawyer and the need for more human resources. From Bizerte came the report that women victims do not always follow up with their complaints or request for legal services: ‘We have to call them, and all are in need of financial help. We try to provide them with help through micro-credit grants.’ There were cases of sexual violence among the wives of Salafists; one representative said that a man had killed his wife for refusing the *niqab* (also known as *khimar* in Tunisia). The Sousse branch of ATFD, which opened its hotline for women victims of violence in 2011, reported on its awareness-raising campaign and networking with psychologists and medical doctors but noted the lack of a legal expert. The branch in Ben Arous, a manufacturing site, reported servicing 74 women between December 2013 and January 2014. The women, largely illiterate or with just primary schooling, had lost jobs following factory closures. Because of its location and clientele, ATFD Ben Arous had the support of the UGTT and the Observatory of Social, Political and Economic Rights. The Tunis branch of ATFD reported that it welcomed women from all regions to its *centre d’écoute*, and had held public protests and a press conference around the case of Meriem.

While some of the *centres d’écoutes* had financial support, all the representatives at the workshop agreed that the work required more funding for staffing and training.

The women doing the listening needed training ‘because you need to be psychologically solid to listen to these stories about violence’ and knowledgeable of the legal follow-up. Another said: ‘When a victim of violence has no money for a medical certificate, for transport, what can we do?’ ATFD members often used their own money to help out, but as several representatives pointed out, that tended to put an even greater burden on the ATFD activists at the listening centers. These discussions confirmed the extent of the ‘emotional labor’ that is expended (Hochschild, 1983, 2003). Women put emotional labor not just into their care work at home but also into much of their advocacy and activist work, especially when working with women victims of violence. Discussions at the workshop focused on how violence against women needed to be brought out from beneath the cloak of privacy in recognition that ‘the personal is political’ and that violence against women is a *political* problem. There was agreement that ‘when a woman is beaten or raped, *all* women are beaten or raped’.

As a fiercely independent feminist organization, the ATFD has long been wary of approaching state agencies for funding and preferred not to apply for or accept funds during the Ben Ali regime.¹⁴ With the new, democratic political environment, however, some workshop participants proposed that the time was right and the need urgent enough to approach the state agency charged with helping to fund NGOs. Others suggested submitting reports to decision-makers in parliament and government; preparing a manual and guidelines; networking with civil society and political parties; and a strategy for communication and visibility of the work on violence against women, including regular press conferences and press releases. There was consensus that ATFD had to preserve its principles and actions, even in the face of public indifference or hostility, such as on the matter of equal inheritance. Although it is true that because of the legal presence of wills, a daughter may be given the same inheritance as a son while the parent is alive, ATFD argues that an integrated law is needed, in part to align with the social reality.

Although Article 46 of the new Constitution is considered a huge advance for women’s rights, it does not make adequate distinction between public and private violence, as do international treaties, and aspects of Tunisian law are ambiguous with respect to sexual violence and marital rape. Article 13 of the CSP, for example, states that ‘The husband may not compel the wife to build any sexual relationship if he has not paid the dower’, implying that a man may compel his wife to have sexual relations if the dower has been paid. Article 227 of the Penal Code criminalizes sexual crimes, including rape, and Article 226 of the Code prohibits sexual harassment. But it allows the rapist of a minor to avoid jail if he marries her. The law does not take into consideration whether the victim is willing or not to marry her rapist; nor does it consider her right to education, work, dignity, and freedom from marital rape. It assumes that the best recourse for the victim is marriage. For these reasons, Tunisian feminists organized seminars, rallies, and publications for the repeal of Article 117.

Government agencies have not been entirely inert, however, and in the face of intense domestic advocacy as well as international pressure, they have responded with new measures. In November 2014, Amnesty International and its Tunisian staff and supporters held a press conference at which a petition urging stronger government action to end violence against women was submitted to the Secretary of State for Women and Families, and to the Minister of Health. The latter promised to make more concerted efforts to end

gender-based violence, and mentioned plans for a legal medical department in Charles Nicolle Hospital, which would house a judicial unit specialized in gender-based violence to accommodate women victims of spousal violence.¹⁵

Coordinating strategies and prioritizing the problem

At the September 2014 ATFD workshop, there was agreement on the importance of collective action against police brutality, especially in the aftermath of the Meriem rape case. In light of what they saw as the inaction of the Ministry of Social Affairs and the Ministry of Women's Affairs, the ATFD delegates agreed that they would need to coordinate actions better with activist NGOs such as Beity (My Home), which helps battered women find a shelter, and with the International Federation of Human Rights (FIDH), which has longstanding links with Tunisian human rights and feminist groups. There is also cooperation with regional feminist rights groups such as the Turkish organization Women for Women's Human Rights, and participation in international advocacy initiatives and campaigns. For example, to mark the conclusion of the 16 days of international activism against gender violence and for human rights, FIDH, ATFD, and Beity held a joint regional seminar on 'Best Practices for Combating Violence against Women', in Tunis on 9–10 December 2014.¹⁶ Given the reality not only of domestic violence, street harassment, and police brutality but also of women falling victims to terrorist violence and civil conflicts in North Africa, the seminar was an opportunity for civil society activists from Algeria, Egypt, Libya, Morocco, and Tunisia as well as representatives of the Tunisian state to exchange experiences and develop strategies aimed at preventing violence, protecting and supporting survivors, and facilitating access to justice.

The sexual violence inflicted on Libyan women and the subsequent physical and psychological consequences as described at the December 2014 regional seminar was particularly moving. One speaker said that 'circumstances have been such that we are led to speak of things unimaginable before because of their degree of indecency'. She explained that 'tons of Viagra' were imported into the country immediately after the fall of Gadhafi, with an entire cargo coming from Dubai. Girls of various ages were raped, indicating the breakdown of the state's law and order and the extent of impunity. The issue came to the attention of FIDH, and eventually the Libyan parliament promised to take a stand against sexual violence. Speakers from Egypt described public protests and a national campaign.

FIDH and its members and partners have been pushing for reforms to combat violence against women in several countries in the region, in accordance with those countries' international obligations. A report released by FIDH with Egyptian partners in April 2014 highlighted the epidemic of sexual violence in the public space in Egypt, the impunity of perpetrators, and discrimination against women in law and practice. In Libya, FIDH and the Observatory on Gender in Crisis lobbied for victims of rape during the 2011 conflict to be recognized as victims of war and to have access to reparation as rape-victims (according to a declaration of Libyan female activists at the seminar held in Tunis by ATFD, on 9–10 December 2014). In Tunisia, FIDH has provided legal support to women victims of sexual violence and continues to campaign against impunity for crimes of violence against women.

Beity works on behalf of Tunisia's homeless women as well as battered women and argues that discriminatory laws and patriarchal social norms create homelessness and domestic violence. Cases include a housemaid impregnated by a household member and subsequently thrown out, a wife expelled from the extended family household for an arbitrary reason, women married to drug addicts who then becomes homeless, runaway girls escaping the violence of fathers and brothers, a woman in a religious (not state-sanctioned) marriage to an Algerian who turns her out of the home when he takes a second wife. These and more cases are described in a Beity publication, which also asserts that:

All forms of violence are the natural outcome of inequality between the sexes and that discriminatory practices and representations detrimental to women's dignity are the outcome of an internalization of 'women's inferiority', acquired through a traditional social education and a cultural construction of behavioral models and stereotyped images. These images are all the more rooted as they are tolerated and surrounded by silence and denial about the inequality of power between men and women. (Beity, 2014: 33–34 [trans. by the authors])

Advocacy by ATFD, Beity and other women's rights and human rights organizations has led to an intense national dialogue around violence against women, which includes initiatives such as a short documentary shown during the 2014 film festival in Carthage, radio programs, and televised interviews with ordinary citizens. ATFD and its partners seek to push the conceptual and political boundaries by adopting 'gender-based violence' and extending it to include acts of violence against women and men accused of 'immoral' acts, whether premarital sex or adultery or homosexuality. Some daring proposals have been made, such as acceptance and non-penalization of cohabitation of consenting adults, and for 'la liberté de choix du partenaire et de l'orientation sexuelle' (ATFD, 2013a: 3). Their work on women's reproductive and sexual rights aligns with that of FIDH, which on the occasion of International Day for the Elimination of Violence Against Women (24 November 2014), issued a statement decrying the criminalization of abortion and calling it another form of violence against women. FIDH president Karim Lahidji stated that laws prohibiting abortion are 'violent, even deadly laws. Not only do they control women's bodies but they force women to seek clandestine, unsafe abortions, with serious risks for the woman's health, something putting her life in danger. For girls, carrying a pregnancy to term can cause lasting damage to their bodies, as well as compromising their futures.'¹⁷ In the same statement, Tunisian-born lawyer and FIDH official Khédija Chérif stated: 'Criminal convictions imposed for clandestine abortions increase the victimization of these women who are already in an unbearable situation. These senseless laws must be abolished immediately, as required by the United Nations.'

However, there has been backlash. In late 2014, a document drafted by legal experts from ATFD and Beity was presented to the Ministry for Women's Affairs for comments, but after it was forwarded by the ministry to other ministries, it was rejected by the government and triggered a backlash from conservatives against ATFD for its presumed libertinism and promotion of immorality. One opinion piece accused feminist organizations of supporting abortion as a 'solution' to premarital and extramarital sex.¹⁸ Abortion has been legal in Tunisia since 1973 and the service has been provided in public hospitals and clinics, but in democratic Tunisia conservatives have openly criticized the law. The article claims that Tunisia has the highest rate of abortion in Africa and that the feminist

proposal to end penalization of premarital sex, adultery, and cohabitation would result in even more abortions. It opines: 'Au regard d'un féminisme dénué de toute morale, l'avortement est donc présenté comme une "solution" à un évènement assez courant de la vie sexuelle qu'on mène en dehors des relations de mariage.'¹⁹ This line of thinking is typical of many Ennahda supporters, for whom issues of morality and the traditional family are paramount. Indeed, in December 2011, an Ennahda member of the Constituent Assembly, Souad Abderrahim, had argued against single mothers, asserting that they 'do not deserve any governmental help' because they are a 'disgrace' to the country 'and have no right to exist' (cited in Barducci, 2011).

At the December 2014 seminar on violence against women, jurist and Beity president, Sana Ben Achour, spoke of the difficulty of raising issues about sexual abuse within the family, and how conservatives are shocked when words such as 'incest' and 'fondling' are uttered. It may be that conservatives cannot countenance the presence of such abuse within the (traditional, Tunisian) family, which they regard as honorable and irreproachable. Or perhaps the idea that a wife may refuse to have sex is unimaginable, and that if the husband compels her to do so, it cannot be called rape. But many Tunisian feminists believe that as long as the husband is legally the head of the family, paid work is largely enjoyed by men, inheritance is unequal, and services to single mothers or battered women remain inadequate, women themselves will believe they are 'complementary' to men rather than their equals, and violence against women will persist. Feminists also believe that education will play a vital role in changing social norms.

Conclusion

We have highlighted the importance that Tunisian feminists attach to violence against women, and their research, advocacy, and activism around the unequal power relations and discriminatory laws that underpin such violence. In her seminal 1982 article, 'Feminism, Marxism, method, and the state: An agenda for theory', Catharine MacKinnon notes that both Marxism and feminism are theories of power and its unequal distribution. While we do not endorse her insistence on the incompatibility of the two theories, we agree with her opening statement, 'Sexuality is to feminism what work is to marxism [*sic*]: that which is most one's own, yet most taken away' (MacKinnon, 1982: 515). The statement would resonate with Tunisian feminists for whom the control of women's bodies, fertility, sexuality, and mobility violates the spirit of the Tunisian Revolution and is inimical to its demands for freedoms and rights. Equally compelling is MacKinnon's final statement, to the effect that feminism revolutionizes politics. For while the Tunisian Revolution has brought about an open political environment, Tunisian feminists have had to insert themselves in the dialogues and debates to ensure that the fledgling democracy does not turn out to be a male-dominated one.

We have also drawn attention to the interplay of global influences and domestic trends. The UN's global women's rights agenda, international conferences, multilateral agreements, and bilateral relations can influence trends and movements at the national level, but change cannot come about in the absence of fully developed social and political forces with the capacity to realize such change. Tunisian feminist organizations and their allies in civil society and political parties are examples of such forces.

Tunisia's feminist organizations have more influence and visibility than elsewhere in the Arab region, but they have become the subject of criticism from newly-empowered religio-conservative groups. Broadening the scope of gender justice beyond violence to encompass sexual rights has not been met with the same level of support that other campaigns have, while many of the feminist groups lack sufficient financial and human resources to provide the needed support for women victims of violence. This suggests that frame alignment may be needed, including the judicious use of global frames on women's rights in a way that resonates with different local publics, perhaps through the incorporation of religious as well as constitutional arguments. The ultimate goal is to help construct a women-friendly polity, one founded in large measure on women's dignity and equal rights of citizenship. Toward that end, ATFD has formed new commissions to work on ending violence against women, and intends to continue its domestic and international partnerships.

Tunisian women's rights activists believe that the January 2011 Revolution culminated in the January 2014 Constitution – which grants fundamental rights to citizens, as well as equality and non-discrimination – and that it was entirely appropriate that in April 2014, the government repealed the reservations that had been entered when Tunisia signed CEDAW in 1985. The October 2014 parliamentary elections saw a 31% female share of seats in the National Assembly, and it was gratifying and a source of pride to know that three ATFD members were elected to the new parliament: the lawyers Bochra Bel Hadj Hmida and Saida Garrach, and the jurist Leila Hamrouni. The time is right for sweeping legal reform, in particular an integrated law that would cover several sectors, remove loopholes, and provide women with the civil and social rights of citizenship that they deserve.

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Notes

1. Since the 2011 Revolution, new women's rights organizations have formed.
2. The WomanStats Project has extensive research papers and maps regarding violence against women across the globe; see www.womanstats.org/newmapspage.html
3. 'Our work to combat violence against women is an important component of our association's life.'
4. When Habib Bourguiba was deemed incompetent to continue ruling in 1987, Prime Minister Ben Ali took over as interim president for two years before his election as president.
5. Former ATFD president Ahlem Belhaj made this statement at a seminar organized by CAWTAR in Tunis in September 2006 (observation by Khedija Arfaoui).
6. Morocco's family law, the very patriarchal Moudawana, was revised in 2003 and is considered a landmark legislative event, though it did not go as far as the CSP in abolishing polygamy outright.
7. See: www.womanstats.org/new/view/, citing Camille Lafrance; 'Tunisia marks belated first in sheltering women' (1 March 2013), at: womensenews.org/2013/03/tunisia-marks-belated-first-in-sheltering-women/#.UW1-0CvEohO. This report also shows that in 2013 the Tunisian government established the first public shelter for women victims of violence. Although this

- finally provided a complement to the feminist associations' hotlines and listening centers, it was insufficient to address women's needs.
8. During a research trip to Tunis in March 2015, Valentine Moghadam was informed by one of her Tunisian interviewees, a woman married to a Frenchman, of her marital dilemma: she wished to remain in Tunisia and help build democracy, but her marriage could not be legally recognized so long as her husband did not convert to Islam, which he refused to do.
 9. The Algerian state went further by adopting a parliamentary bill in early March 2015 that sentences a man to up to 20 years' imprisonment for violence against his wife, drawing the ire of Islamist members of parliament. See: portside.org/2015-03-07/algeria-criminalizes-violence-against-women-but%E2%80%A6 and english.alarabiya.net/en/News/africa/2015/03/06/Algeria-passes-law-banning-violence-against-women.html
 10. See: www.babnet.net/cadredetail-53060.asp
 11. See 'Appel à un rassemblement de soutien pour Meriem: Ses violeurs ne lâchent pas', by Lilia Weslaty (27 septembre 2014); see also: www.webdo.tn/2014/09/27/appel-rassemblement-soutien-meriem-ses-violeurs-lachent-pas/; <http://www.webdo.tn/2014/03/31/meriem/>
 12. K Arfaoui attended the meeting and the following is based on her observations and notes. See also the workshop publication (ATFD, 2014), which includes addresses and phone numbers of the *centres d'écoutes* in Tunis, Ben Arous, Bizerte, Sousse, Kairouan, and Sfax (p. 18).
 13. 'Tunisia police rape: "Meriem" attackers' sentences doubled', at: www.bbc.com/news/world-africa-30138998
 14. ATFD once received a government grant, a matter that was discussed at a meeting. No further funds came or were accepted.
 15. Jihane Bergaoui, 'Tunisia promises better protection for women's rights', Amnesty International, posted 27 November 2014.
 16. FIDH, ATFD, et Beity, *Seminaire regional sur les bonnes pratiques de lutte contre les violences faites aux femmes et aux filles*, 9 et 10 décembre 2014, à Tunis.
 17. See: www.fidh.org/en/issues/women-s-rights/16526-the-prohibition-on-abortion-constitutes-violence-against-women, 24 November 2014. Iranian-born Karim Lahidji is a legal expert and longstanding FIDH activist and official who has lived in Paris since he and many other dissidents were forced to leave Iran after the Islamic Revolution.
 18. See Mona Ben Gamra, 'Libertinage au nom du féminisme', *Le Temps* (5 December 2014); at: www.letemps.com.tn/article/88052/libertinage-au-nom-du-f%C3%A9minisme
 19. 'From the vantage point of a feminism devoid of any morality, abortion is presented as a "solution" to an inevitable outcome of a sexual life outside of marital relations.'

References

- AFTURD (2010) *Les Aides ménagères à temps complet: Violences et non droits. Présentation des résultats de l'étude dans le cadre du projet 'Répuercussions économiques des violences sur les jeunes filles dans le grand Tunis, 2008–2010*. (Elaborée par Samira Ayed et Abdessatar Sahbani.) Tunis: AFTURD Espace Tanassof.
- Arfaoui K (2007) The development of the feminist movement in Tunisia 1920s–2000s. *International Journal of Humanities* 4(8): 53–60.
- Arfaoui K (2011) Women on the move for gender equality in the Maghreb. In: Di Marco G and Tabbush C (eds) *Feminisms, Democratization and Radical Democracy*. Buenos Aires: UNSAM.
- ATFD (1995) *Les Violences à l'égard des femmes*. Tunis: ATFD.
- ATFD (2013a) *Le Droit à l'avortement en Tunisie – 1973 à 2013*. (March). Tunis: ATFD, Oxfam, and World Social Forum.

- ATFD (2013b) *Solidaires pour l'égalité et les libertés, contre les violence faites aux femmes, contre le terrorisme; 10^{ème} Congrès de l'ATFD, 22–23, et 24 novembre 2013*. Tunis: ATFD.
- ATFD (2014) *Violences faites aux femmes: Traitement médiatique et pratiques journalistiques*. Tunis: Association Tunisienne des Femmes Démocrates.
- Avaaz (2012) Protégez les droits de citoyenneté de la femme en Tunisie! Avaaz.org: Petitions Citoyennes, 2 aout. Available at: www.avaz.org/fr/petition/Protegez_les_droits_de_citoyennete_de_la_femme_en_Tunisie/.
- Barducci AM (2011) Single mothers have no right to exist. December. Available at: www.gatestoneinstitute.org/2650/tunisia-single-mothers.
- Beity, Association (2014) *Femmes en errance, femmes sans abri: Figures et récits de vie*. Tunis: Cérès éditions.
- Cesari J (2014) *The Awakening of Muslim Democracy: Religion, Modernity, and the State*. New York: Cambridge University Press.
- Chammari AC (1991) *La Femme et la loi en Tunisie*. Casablanca: Editions le Fennec.
- Charrad M (2001) *States and Women's Rights: The Making of Postcolonial Algeria, Morocco, and Tunisia*. Berkeley: University of California Press.
- Dauer S (2014) Introduction: Anthropological approaches to gender-based violence. In: Dauer S, Beske MA, Chernela J et al., *Anthropological Approaches to Gender-based Violence and Human Rights*. East Lansing: Michigan State University, Gender, Development, and Globalization Program, Working Paper #304 (June), pp. 1–15.
- Dobash R and Dobash R (1979) *Violence against Wives: A Case against the Patriarchy*. New York: Free Press.
- Hamrouni S (2006) Femmes battues. *Réalités* No. 1049 (2–8 février).
- Hatem M (1994) Privatization and the demise of state feminism in Egypt 1977–1990. In: Sparr P (ed.) *Mortgaging Women's Lives: Feminist Critiques of Structural Adjustment*. London: Zed Books.
- Hochschild A (1983) *The Managed Heart: Commercialization of Human Feeling*. Berkeley: University of California Press.
- Hochschild A (2003) *The Commercialization of Intimate Life: Notes from Home and Work*. Berkeley: University of California Press.
- Htun M and Weldon L (2012) The civic origins of progressive policy change: Combating violence against women in global perspective 1975–2005. *American Political Science Review* 106(3): 548–569.
- Keck M and Sikkink K (1998) *Activists Beyond Borders*. Ithaca, NY: Cornell University Press.
- Labidi L (2007) The nature of transnational alliances in women's associations in the Maghreb: The case of AFTURD and ATFD. *Journal of Middle East Women's Studies* 3(1): 6–34.
- Lawson J (2012) Sociological theories of intimate partner violence. *Journal of Human Behavior in the Social Environment* 22(5): 572–590.
- L'taief W (2005) International law, mixed marriage, and inheritance law in North Africa: ... 'but some are more equal than others'. *International Social Science Journal* No. 184 (June) (UNESCO): 331–350.
- MacKinnon C (1982) Feminism, Marxism, method, and the state: An agenda for theory. *Signs: Journal of Women in Culture and Society* 7(3): 515–544.
- MacKinnon C (1989) *Toward A Feminist Theory of the State*. Cambridge, MA: Harvard University Press.
- Moghadam VM (1996) Feminist networks north and south: A case study of DAWN, WIDE, and WLUML. *Journal of International Communication* (Special issue on International Feminism(s)) 3(1): 111–126.

- Moghadam VM (1998) *Women, Work, and Economic Reform in the Middle East and North Africa*. Boulder, CO: Lynne Rienner.
- Moghadam VM (2005) *Globalizing Women: Transnational Feminist Networks*. Baltimore, MD: Johns Hopkins University Press.
- Tchaicha JD and Arfaoui K (2012) Tunisian women in the twenty-first century: Past achievements and present uncertainties in the wake of the Jasmine Revolution. *The Journal of North African Studies* 17(2): 215–238.

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Résumé

À la lumière des apports théoriques de la recherche féministe, en sociologie et en sciences politiques, consacrée aux mouvements sociaux féminins et à l'engagement des femmes dans la sphère publique, cet article traite de l'action militante des groupes de défense des droits des femmes en Tunisie dans la lutte contre la violence faite aux femmes. Il remonte aux origines du débat sur ce problème social pour mettre en évidence la collaboration entre les groupes de défense des droits des femmes et les administrations publiques et les réseaux féministes internationaux afin de sensibiliser la population et de promouvoir des changements politiques. Il examine enfin l'évolution des travaux de recherche, des opinions et des activités de lobbying de ces groupes. En s'appuyant sur l'expérience personnelle de la première des auteures de cet article, une participante de longue date au mouvement des femmes en Tunisie, ainsi que sur des publications de l'ATFD et de l'AFTURD et des données documentaires, cet article révèle comment un mouvement féministe relativement petit était en mesure d'exploiter ses relations avec d'autres organisations de la société civile en vue d'influencer les décisions politiques, l'action législative et les débats publics.

Mots-clés

Citoyenneté, constitution, féminisme, Tunisie, violence contre les femmes

Resumen

Informado teóricamente por la investigación científica sociológica y de ciencia política feminista en los movimientos sociales de las mujeres y la participación de las mujeres con la política pública, en este trabajo se estudia la defensa y la labor política de los grupos

de derechos de las mujeres en Túnez en el tema de la violencia contra las mujeres. Sitúa el origen de la preocupación de este problema social en particular, muestra cómo los grupos de derechos de las mujeres trabajaron con los organismos gubernamentales y con redes feministas transnacionales para crear conciencia e instituir cambios en las políticas, y examina cómo han evolucionado sus investigaciones, la defensa, y los esfuerzos de lobby. Basándose en la experiencia personal de la primera autora, que ha sido una participante de larga data en el movimiento por los derechos de las mujeres tunecinas, así como en diversas publicaciones de ATFD y AFTURD y datos documentales relacionados, el trabajo muestra cómo un movimiento feminista relativamente pequeño ha sido capaz de aprovechar sus relaciones con otras organizaciones de la sociedad civil para influir en los cambios en las políticas, leyes y debates públicos.

Palabras clave

Ciudadanía, constitución, feminismo, política, Túnez, violencia contra las mujeres