

WOMEN, A BULWARK AGAINST EXTREMISM AND FUNDAMENTALISM

THE EXAMPLE OF TUNISIA

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INTRODUCTION

For many years, the Muslim world has been prey to an illness which threatens to isolate it, to marginalize it within the international community. This illness is called Islamism and exists in two forms: 'political' Islamism, which is a kind of 'radical reformism,' and 'armed' Islamism, i.e., 'Jihadism' or terrorism. Though their appearances are divergent, these two tendencies come together in their ultimate goal, which is to deny democracy, cancel out social progress and direct society to an 'ideal' model in which the 'law of God' takes the place of the law of men.

To a varying degree, both political and armed Islamism may be found in the Middle East, North Africa, Asia and even in Europe. Surfing easily on the crisis of values, on economic malaise, various social and political frustrations and the 'lack of purpose' of modern society, the theoreticians of Islamism try to convince Muslims that, faced with the real or supposed corruption of the regimes in power and following the defeat of Marxism, following the various liberation movements which have shaken the Arab world since the Second World War, and taking into account the profound injustice of which the 'liberal' model is a carrier, their ideology is the only one capable of bringing happiness to mankind.

For a variety of reasons which we cannot analyze here without going well beyond the framework of this report, Islamism is advancing everywhere, in particular since 2001.

The Muslim countries are resisting it with greater or lesser success depending on the will and courage of their leaders, the force of civil society and their state of social development.

It is obvious to any clear-minded observer that one of the main factors of resistance of these societies in the crisis of facing up to this 'new fascism' of Islamism consists of what we may call, to paraphrase Mao, the 'other half of heaven' - women.

One really should be reminded that women are, everywhere and at all times, the first victims of Islamism. In many Muslim Arab countries and within the Muslim communities in the West, they are more and more often forced to wear the veil, to put up with polygamy and repudiation of their marriages, as well as all the physical and psychological violence inherent in the absolute dictatorship of men that is otherwise known as fundamentalism.

Deprived of their basic rights both in the public and private spheres in the name of respect for religious laws, or more exactly for a narrow and archaic interpretation of them by men, they live in total cultural and social isolation which makes of them simple objects, dependent on the good will of the 'males' - fathers, brothers, spouses.

Everywhere in the world, some women (and, we are happy to say, some men) are fighting against violence. But only in those countries where there are laws which grant women the same rights as men can fundamentalism be defeated in a lasting manner. And this is so for obvious reasons: a woman who has access to education can work and assume her independence. An active and liberated woman who can vote will not normally choose to cast her ballot for those who wish to relegate her to the status of an 'object.' A woman who can freely dispose of her own body and of her capability to create life will never be reduced to the simple condition of a 'reproductive machine.' When such a woman becomes a mother, she will educate her children in such a way as to ensure they perpetuate the freedoms from which she benefited. A woman in the Muslim world is not just 'the future of man,' as the poet Louis Aragon wrote. She is the promise of liberty and of progress for the entire society. She is the future of democracy.

This is so if the society in which she lives gives her the possibility to exercise this liberty which she will then transmit to those around her and of which she will be the guardian.

That is the case in Tunisia, a country which is at the forefront in the matter of women's rights.

It is fashionable today in certain circles to criticize the 'authoritarianism' of the Tunisian regime. Everyone is free to think as he wishes, but it is nonetheless curious to find that the Arab country which, in the course of the past fifty years, has done the most for social progress and the freedom of women should be so attacked. We will not enter into this dispute. We will merely cite the French political scientist Alexandre Adler: 'To be sure, the suppression of the Islamists or of those with nostalgia for Nasserism who is no less totalitarian than their counterparts in the Mashriq and the Maghreb has never been tender. To be sure, freedom of speech there is not perfect, but it is offset, in the eyes of many Tunisians, by freedoms that still do not exist elsewhere. The freedom to come and go (...), to hold hands with one's fiancée and to go swimming with her on a beach.'

Alexandre Adler writes of the 'fiancée' and he is right. Because women are at the heart of what constitutes the 'Tunisian exception' in the Arab world. Thanks to the Code of Personal Status promulgated in 1956 by the first President of the country, Habib Bourguiba, Tunisian women are full citizens in their own right. More than 50 years ago polygamy was ended. In fact, Tunisia is the only Muslim country where polygamy is a punishable crime. Forced marriages and one-sided repudiation of marriage also were ended. Since 1965, abortions are legal (whereas it has only been allowed very recently in some European states...).

Ever since its promising beginning, the process of emancipation has not ceased to strengthen under the Presidency of Zine El Abidine Ben Ali. Today in Tunisia women assume some of the most active and most decisive roles in all domains of public life and a number of them occupy positions of authority.

But while their rights constitute a bulwark against extremism, what they have achieved is the target of the fundamentalists and remains under threat.

¹ Alexandre Adler, 'The awakening of Andalusian democracy", Le Figaro, March 23, 2005.

Thus, the priority remains to become aware of and watch out for this never ending threat and to consolidate what has been achieved.

The object of this report is to put women at the heart of the task of modernizing the Muslim world and the struggle against fundamentalism, and to demonstrate, starting with the case of schools, that Tunisia, a Muslim country (and defined as such by its Constitution), is a place where the rights of women are most extensive and best established. In this way we demonstrate that there is not only no contradiction between belonging to a Muslim culture and promoting the rights of women, moreover that these rights are one of the most effective ramparts against extremism.

I

HISTORICAL REMINDERS

1) The Code of Personal Status, one of the cornerstones of independent Tunisia

Tunisian women occupy a unique status in the Arab world and this has been the case for more than 50 years.

Ever since its independence on March 20, 1956, Tunisia adopted a policy favoring progress and modernity, all of which entails a radical change in the status of women. Habib Bourguiba, the first President of the Republic of Tunisia², was convinced that change in the status of women would be one of the essential levers of the modernization of society. On August 13, 1956, even before the Republic itself was proclaimed (July 25, 1957) and before the Constitution was put in place (June 1, 1959), the Code of Personal Status (CSP³) was promulgated, establishing the principle of equality of men and women. It passed beyond the secular traditions and created, in one blow, what no other state in the Muslim or Arab world ever dared to do (and what many refuse to do today): the emancipation of women.

The Code of Personal Status is the work of a genius who chose the right moment to pass it. We were caught up in the euphoria of independence and, while liberating the country, he wanted to liberate women,' says Mme Aziza Htira, president of the National Union of Tunisian Women (UNFT)⁴ and member of the parliament.⁵

This document was profoundly innovative (the principle of equality was written into the Constitution⁶) and offered Tunisian women a status unknown in the Muslim Arab world: it prohibited polygamy, put an end to forced and child marriages, abolished repudiation, granted suffrage to women and established public and free education for all.

'The freedom of Tunisian women results from a long process that began well before 1956. Already during the 1930s the thinker Tahar Haddad⁷, an active fighter for equality of the sexes, published a book on women in which he claimed the right to education for all and called for the abolition of

² Habib Bourguiba (1903-2000) had been the President of Republic of Tunisia from 1957 to 1987.

³ The CSP came into force on January 1, 1957.

⁴ An NGO created in 1956, the UNFT is the number one feminine organization in Tunisia.

⁵ Interview with Aziza Htira, January 15, 2008 in Tunis.

⁶ Article 6 of the Constitution: 'All citizens have the same rights and the same duties. There are equal before the law.'

⁷ The thinker, union organizer and Tunisian politician, Tahar Haddad was born in 1899. His best known work, published in '*Our women in the sharia and in society*,' was badly received in conservative circles. It was only many years after his death in 1935 that his ideas favoring the feminine condition were recognized and inspired the Code of Personal Status. His niece, Radhia Haddad, was one of the founding members and president (from 1958 to 1972) of the National Union of Tunisian Women.

polygamy in the Muslim Arab world. President Bourguiba followed this movement. He followed the path of enlightened interpretation of the Muslim religion. He had the courage and the will to take another approach to the Quran, the **Ijitihad.**⁸ But in order to have the Tunisian people accept this revolutionary change, a leader was needed in whom society believed. Because even if women are militant, they cannot obtain rights without political will. In other Arab countries, this political will to change the status of women is missing,' Aziza Htira explains.

Mme Hayet Laouani, the head of a company, belongs to the first generation of independence and believes that Tunisian women have had the extraordinary good fortune to be born in a country led by an enlightened President: 'President Bourguiba said: women represent half of the population, and I am not going to sacrifice them in the name of an erroneous reading of the Ouran.'9

One should remember that polygamy is allowed in most of the other Muslim Arab countries, including the Maghreb. In Morocco, however, ever since the reform of the 'Moudawana' (Code of the Family) desired by King Mohamed VI, it is allowed only under certain conditions which are intended to make it disappear over time. A husband who wishes to take a second spouse must in fact receive the written permission of his first wife and the authorization of a judge, as well as prove that he is able to support the needs of both women.

In Algeria, despite the modifications introduced in 2005 to the Code of the Family (CSP promulgated in 1984), polygamy is still legal. We note, moreover, that in this country women remain minors for life, and marriage simply passes them from the supervision of their fathers or of a male relative to that of their husbands: thus it is a male parent who concludes the marriage on behalf of his daughter (article 11) and can oppose a marriage whatever her age (article 12). The husband becomes the 'head of the family' and his spouse is obliged 'to obey him and show him respect' (article 39).

In Tunisia, during the years which followed the passage of the CSP, it was never put in doubt; indeed many amendments were added to strengthen it, such as the right to contraception, in 1962, and, in 1965, the right to abortion.

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⁸ There are many legal or philosophical schools in Sunni Islam. Nonetheless, this has been largely dominated for six centuries by the Hanbalite school whose principal philosopher was Ahmad Taqi el-Dinne Ibn Taymmiyya, a legal expert who was born in Damascus in 1236 and died in 1328. The Hanbalite school recommends total and absolute observance of the Quranic law and considers every innovation to be mistaken. For this current of thinking, the Fiqh (applied law derived from the texts) has been set once and for all. Since this cannot provide an answer to everything, Islamic jurisprudence does exist and is based on the *Qyas* (reasoning by analogy) and the *Idjma* (consensus of doctors of law). On an exceptional basis (due to the absence of any text in the Quran or in the Sunna and of any known precedent), one can refer to the *Ra'i* (human judgement) or to the *Ourf* (custom). But critical study of tradition for the sake of establishing new rules based on a 'more contemporary' reading of the texts, *Ijitihad*, was prohibited by the Hanbalite school. It is said that '*the gates of the Ijitihad have been closed*. A number of Muslim intellectuals today are calling for them to be '*reopened*.'

⁹ Interview with Hayet Laouani, January 11, 2008 in Tunis.

'The Code of Personal Status was not well received by men in the beginning. So women fought to demonstrate that this code was not passed solely for them but for the whole family, for all of society,' Aziza Htira adds.

One should emphasize that although these advances have made and continue to turn Tunisia into a veritable exception in the Muslim Arab world, where the weight of religion and of the ulemas prevent women's emancipation, in certain domains their status has also gone beyond that of many Western women. Abortion was legalized in France only in 1975, in Italy in 1978, in Spain in 1985, in Belgium in 1990 and in Hungary in 2000. As for Portugal, it was only on March 8, 2007 that Parliament adopted a bill legalizing abortion. It remains illegal in Ireland and in Malta, and in Germany the law still forbids abortion though its practice is no longer subject to criminal prosecution. As regards suffrage, which was granted to women in Tunisia in 1959, it was only in 1976 that women received the right to vote in Portugal and in... 1990 in certain Swiss cantons. 10

Finally, it was only in 1977 that the United Nations declared March 8 to be International Women's Day, whereas in Tunisia, ever since 1957 August 13 has been celebrated as the Day of Women.

2) President Ben Ali reinforces measures in favor of women

When he came to power in 1987, President Zine El Abidine Ben Ali¹¹ issued a radio address announcing the 'Change,' a new era for Tunisia, though remaining loyal to the principles set out in the Constitution of 1959. Unlike President Bourguiba, Zine El Abidine Ben Ali is a practicing Muslim. Certain militant feminists were afraid that he would yield to the traditionalist currents and take a step backwards on the status of women. Nothing of the sort happened; quite the contrary was true.

Since discrimination against women was a major restraint on economic and social development, he quickly proclaimed his commitment to the emancipation of Tunisian women and his will not merely to preserve the achievements made but also to consolidate them and strengthen them by means of new measures.

In August 1992, he introduced the concept of social partnership between husband and wife and reinforced the role of women in family affairs: the duty of obedience to one's husband was replaced by mutual respect by both parties of the couple and the right of guardianship is shared between the parents. In 1993, he authorized women to pass on their nationality to their children resulting from marriage with a non-Tunisian. He increased the penalties for conjugal violence¹² and he strengthened the anti-discriminatory measures with regard to the right to work.

Recently, on August 13, 2006, on the occasion of the 50th anniversary of the issuance of the Code of Personal Status, President Ben Ali announced the initiation of two new

¹⁰ Canton d'Appenzell Rhodes-Intérieures.

¹¹ Elected President of the Republic of Tunisia on November 7, 1987; reelected in 1994, 1999 and 2004. ¹² It is unquestionable that conjugal violence continues to be a problem in Tunisia, where a number of fighters for the equality of rights complain that the law is not applied by certain courts. But it is also clear that violence directed against women is not uniquely a problem of Tunisia or of the Muslim Arab world, as we see from the incessant struggle led in the old democracies of Europe to eradicate it.

draft laws. The first concerns the reinforcement of the right to housing of women having guardianship over their children in order to ensure this is guaranteed under the terms provided in the law. The second deals with the unification of the minimum ages for entering into marriage. It will be set at 18 years old for both sexes, whereas today it is 20 for men and 17 for women.

By modernizing teaching and education, he permitted all Tunisians to have access to knowledge and nowadays the rate of illiteracy is the lowest in the whole region. He also improved living conditions in rural areas by establishing mechanisms for loans and assistance in the creation of enterprises.

It is under his initiative that the Fund of National Solidarity (FSN, known by its current account numbers as the '26-26') was created in 1992 for the purpose of improving living conditions in areas of poverty. This Fund made it possible to remove more than one million Tunisians from isolation and marginalization, to integrate then into the general social life by providing them with the conditions for a decent life. More than 1.2 million persons (i.e., some 242,000 families) have benefited from FSN assistance, and the percentage of the population living below the threshold of poverty has fallen from 33% in 1967 to 3.8% in 2007.

Considering these spectacular results, on December 20, 2000 the United Nations General Assembly voted in favor of a proposal by President Ben Ali calling for the creation of a World Solidarity Fund in order to fight against poverty and to promote human and socio-economic development in the most disadvantaged regions of the world.

It was also upon the initiative of President Ben Ali that the National Solidarity Bank (BTS), created in 1997, has given out microcredits that make it possible to finance thousands of small projects each year and to create employment for recent graduates.

Finally, the creation on January 1, 2000 of the National Employment Fund (known as the '21-21' Fund), also based on national solidarity, has favored the integration into society of the young and more generally of those looking for jobs whatever their age and their level of education.

President Ben Ali has fundamentally reformed the economy of his country, which is today classed by the IMF, the World Bank and the Davos Forum as being at the head of the list of the most competitive economies in Africa and in the Arab world and ranks 29th worldwide.

By fighting against poverty, which is the seedbed of fanaticism and of terrorism, and fighting against exclusion, by improving the living conditions of the most disadvantaged, he has opted for a program of development which does not exclude any region or social category. Thanks to his avant-garde initiatives, he has raised the rights of women from a simple situation of equality between the sexes to the rank of active partner with a special place in society. Tunisia has also ratified all the international conventions relating to the rights of women and children.¹³

¹³Including, notably, the International Convention on the Elimination of all Forms of Discrimination against Women (ratified by Tunisia in 1989).

In an interview with *Le Figaro* on December 3, 2003 he said: 'The economic progress which we have reached, political stability, the social achievements and the notable improvement in the standard of living constitute, along with the place held by Tunisian women, the most effective ramparts against fundamentalism.'

Let us now look in detail at the achievements of Tunisian women and on the place which they occupy today in the social, professional, and political life.

II

TUNISIAN WOMEN TODAY

Citizens on their own, Tunisian women are present in all the domains of public life and occupy an exemplary place in society compared to other Arab and Muslim countries.

1) In the domain of education

Tunisia devotes nearly 7.5% of its GDP¹⁴ to education and training. Today more than one Tunisian in four is going to school.

a) Primary and secondary schooling

In 1957, education was made free for all children of school age. Since 1991, 9 years of schooling is obligatory for boys and girls aged 6 to 16. In order to back up this requirement, parents are punished if they do not enroll their children in school or if they withdraw them from school without reason.

Thanks to the construction of schools in the most remote areas of the country, the percentage of children in school is nowadays 99% for both boys and girls from the age of 6 (in 1975, the proportion of girls in primary schools was 38.6%). As regards secondary schools, more than 53.3% of the children are girls (they were only 32% in 1975). We also note that more than 51% of the teaching staff in primary schools and 48% of the staff in secondary schools consists of women.

b) Higher education

The number of students in the universities and other establishments of higher learning has multiplied by 10 between 1986 and 2006, going from 37,000 to 365,000, and it has nearly doubled between 1997 and 2006¹⁵. Today 35% of young people aged between 20 and 24¹⁶ are enrolled in an institution of higher learning.

It should be said that the state budget allocations to higher education have grown continuously. It now amounts to 7.1%, or nearly 1.8% of GDP. Moreover, new high quality institutions have been created, in particular the Polytechnic School, the Higher Teacher's Training College and the National Institute of Applied Sciences and Technology (INSAT). The proportion of girls in higher education has increased considerably: 25.8% in 1975, 48.3% in 1998, 57% in 2005, 58.1% in 2006, and 59% in

¹⁴ Unless otherwise stated, all the numbers cited come from the National Institute of Statistics (NIS).

 $^{^{15}}$ This number was just 11,000 for the year 1970-71 and 44,000 for the year 1987-1988. It is expected to be 500,000 in 2009.

¹⁶This rate was just 8% in 1991.

2007¹⁷. At the same time, women represent 39.9% of teaching staff in higher education.

c) The fight against illiteracy

Ever since Tunisia became independent, literacy campaigns have been conducted, particularly in rural communities. In 2000 these activities took the form of a national program of education for adults. In seven years, this program has brought some 53,000 Tunisians per year out of illiteracy, of which 80% are women. Today the literacy rate of Tunisians aged 10 years and more has reached nearly 80% and one of the objectives of the program is to reduce the rate of illiteracy by at least 10% by the year 2009. In 1956, 97% of the population was illiterate.

2) In the family and private domain

a) Marriage

When the Code of Personal Status came into force in 1956, barely three months after the country's proclamation of independence, the legal age of marriage was a minimum of 17 years for girls (previously it was 15) and forced marriage was forbidden. Marriage could only take place on condition of the explicit consent of the woman.

While the legal coming of age was fixed at 20 years old (for both sexes), in virtue of a law dated July 5, 1993 marriage by a minor (aged 17 to 20) frees them as regards civil status, civil and commercial deeds. In other words, a girl who has not yet reached majority but who has married has the right to conduct her own life and affairs. We may also say that since 1993, consent of the mother is required for a girl not yet come of age to enter into marriage.

Meanwhile, though the man is confirmed as the head of the family, amendments to the CSP in 1993, replaced the notion of the 'duty of obedience' owed by a woman to her spouse by the reciprocal duty of the married partners to show each other 'benevolence and to assist in managing the household and in the affairs of the children.' This principle of partnership and co-responsibility also obliges the woman to contribute to the maintenance of the family if she has the means.

'Men have changed just as women have changed. They are no longer the traditional men that we still see in many Arab countries, but a husband as partner, even if there remain, obviously, some exceptions in certain social spheres,' Aziza Htira stresses.²⁰

 $^{^{17}}$ The rate is also 59% in France, according to numbers from the INSEE (National Institute of Statistics and of Economic Studies) published in its latest edition of 'Looking at Parity.'

¹⁸ The Tunisian population was 67% rural in 1956. Today it is 65% urban.

¹⁹ The rate of literacy is also constantly rising in other Maghreb countries. According to data from UNESCO, it was 57% in Morocco in 2004. In Algeria, according to the government, it was 76.3% in 2005

²⁰ Interview with Aziza Htira on January 15, 2008 in Tunis.

Polygamy, which was abolished by article 5 of the CPS, is punished by the law: 'Whoever is bound by the ties of marriage and contracts another marriage before the dissolution of the preceding marriage may be imprisoned for a year and obliged to pay a fine.' Furthermore, since 1998 a new law supports this prohibition of polygamy by guaranteeing the rights of a Tunisian woman married to a foreigner coming from a country which allows polygamy: the marriage can take place only if an official certificate is presented stating that the man is free of all other marital ties.

Nonetheless, there still is inequality between men and women in matters of inheritance. In fact, this is one of the rare cases when Islamic law is applied in Tunisia, and the man receives a double share compared to the woman. Nevertheless, this problem can be resolved by a will, as we were told by Mme Radhia Ben Salah, a judge and the director general of the Higher Institute of the Magistracy: 'The parents are aware of the fact that there is no reason why girls should not receive their part of the inheritance. They thus try to resolve this problem while they are alive by means of a will and it is taken well by the brothers, because mentalities have certainly changed.'21

This inequality was balanced by another important measure relating to couples: in 1995 the regime of community of property was established to ensure that the woman is not harmed in case of separation.

• The code of nationality

The code of nationality also underwent amendments in 1993 in order to strengthen the principles of equality and non-discrimination between men and women. Thus, a Tunisian woman married to a non-Tunisian man can now pass her nationality to her child, even if the child is born abroad, on condition that the father gives his consent. In other Muslim Arab countries, only such passing of nationality by the male line is recognized.

Criminal Law

In penal matters, and in the frame of the 1993 reforms, the murder of a woman accused of adultery by her husband (crime of honor²²) is considered to be a crime – and not just a simple correctional misdemeanor resulting in 5 years in prison. It is treated as voluntary homicide with the penalty of a life sentence in prison. Moreover, conjugal violence is treated with greater vigor (the marital bond is an aggravating circumstance in case of violence, and the penalties imposed are twice as high).

²¹ Interview with Radhia Ben Salah on January 14, 2008 in Tunis. A magistrate by training, she was president of the Court of Appeals of Tunis, then director of the Centre of Legal and Judicial Research. She has headed the Higher Institute of the Magistracy since 2004.

²² Murders of honor, which remain unpunished in most of the Muslim Arab countries, are an ancient practice enshrined more by the culture than by religion: in order to protect the honor of the family, a man will kill any relative – sister, female cousin, aunt and even his mother – who is suspected of having sexual activity outside marriage. In the entire world, it is estimated that 5,000 women and young girls fall victim to 'crimes of honor' every year. Crimes of honor are not specific to the Muslim world, since we find them as well in the South of Europe, particularly among the Christians of Albania.

'Many cases of conjugal violence are not reported because the women may not be aware of their rights.²³ Some do not protest because they saw their father maltreat their mother and they think that such behavior is normal. The National Union of Tunisian Women has created two centers²⁴ which have all the structures necessary to receive women who are victims of violence, as well as their children, and they can stay until a solution is found. Among other things, our mission consists of permitting the victims to have access to the courts,' Aziza Htira adds.

b) Divorce

Abolished by the Code of Personal Status in 1956, repudiation of a wife was replaced by judicial divorce ('divorce can only take place before a court') at the initiative of either of the spouses.²⁵ This right to a divorce thus puts men and women on an equal footing.

Since 1956, mothers have the right of guardianship over their minor children in case the father dies. Thanks to modifications to the CSP introduced in 1993, custody of minor children is automatically granted to the divorced mother in case of the bankruptcy or proven inability to pay of the husband. Moreover, when custody of the children is given to the mother, she exercises the prerogatives of guardianship.

Finally, according to the law, a mother who obtains custody of her children has the right to remain in the conjugal residence. But in practice, that is not always the case, as Aziza Htira explains: 'Certain husbands get around the law and sell the conjugal residence, because nothing can prevent someone from selling his property, and the woman finds herself in the street with her children. A new law is presently being discussed in Parliament in order to correct this failing.' Adopted on February 19, 2008 par the Parliament, this law protect the right to a home for a woman in charge of her children.

Family allowances

The conditions of granting family allowances were modified by Presidential directives. Since April 5, 1996, they have been automatically paid to the mother when she looks after the children. These allowances which are owed to children under the age of 16 have been extended to age 21 for those who are pursuing studies. It should be emphasized that after Tunisia ratified the International Convention on Rights of Children in 1991, it became the first Arab and Muslim country and the fifth country in the world to have passed (in 1995) a Code of Protection of Children.

²³ In France, according to an investigation by INSEE (National Institute of Statistics and Economic Studies), one woman in five who are victims of physical violence within the family has not filed a complaint or spoken to anyone about the attacks (investigation conducted among 17,500 women between January and March 2007).

²⁴ The first reception and orientation centre for women in distress was inaugurated by the National Union in Tunis in 2003; the second opened in Sousse in 2005.

 $^{^{25}}$ Until 1956, divorce was the domain of the man, who could repudiate his wife by a simple declaration authenticated by two witnesses.

Alimony

In case of non-payment of alimony, a man is subject to a fine (from 100 to 1,000 dinars²⁶) and a term of imprisonment of between 3 months and one year. A Fund to Guarantee Alimony and Child Support was created in 1993 for the sake of divorced women and their children in case of a shortfall from the father and to guarantee their fundamental rights and protect their interests. So long as they are students, children can receive this assistance up to the age of 25.

c) Family Planning

Tunisia was an early model of family planning in the Muslim world, allowing women to take control of their fertility by means of contraception and abortion.

Contraception

Since the 1960s, a policy of family planning was established in order that all women are able to have free access to means of contraception.²⁷

'By abolishing the colonial law of 1920 which prohibited the sale of contraceptives, a law which still exists in many former African colonies, we gave women the possibility to have a child if she wants one and when she wants one,' says Nabiha Gueddana, director general of the National Office of the Family and Population.²⁸

'The Ministry of Health has led campaigns intended to educate people and make them aware of the issue, so that women will accept contraception. The first messages were linked to the development of the country: 'One cannot develop if there are too many children.' It was necessary to strike a balance between economic development and demographic growth,' Mme Gueddana continues. 'At the outset, the program was based, on the one hand, on a radical method, tying of the Fallopian tubes, and on the other, by inserting an IUD, a kind of contraception which did not require any calculations, since many women were illiterate.'

Well before the arrival of family planning, many women used more or less archaic and sometimes dangerous methods of contraception. More effective methods of limiting ovulation and also spacing out the births were therefore welcomed. Because, as Nabiha Gueddana explains: 'There is not a woman in the world that would refuse family planning if she knew the benefits of timing the pregnancies. Everyone would like to allow themselves a bit of respite.'

This change of behavior among women could not go on without the support of men. 'Fertility is the only power of women in a traditional society. Contraception has permitted her to position herself differently in relation to men. But since all of

 $^{^{26}}$ The Minimum Guaranteed Interprofessional Salary is 270.828 dinars per month for a 40 hour work regime.

²⁷ Means of contraception have been freely sold since 1967.

²⁸ Interview with Nabiha Gueddana, January 14, 2008 in Tunis.

the movement of emancipation was supported by the religious leaders,²⁹ the men had no choice but to accept it,' Nabiha Gueddana emphasizes.

These measures were reinforced in 1973 by the creation of the National Office of Family Planning and of Population (ONFP). 'The ONFP, which has hundreds of activists who go from door to door, has the task of implementing the programs. Aside from contraception, we have over time introduced other topics, such as Sexually Transmitted Diseases. The condom is our battle horse. We conduct campaigns in the media, the press and radio. We also do major information work among young people on issues such as the risks of pregnancy outside of marriage, which are poorly tolerated,' Nabiha Gueddana explains.

Abortion

Abortion was legalized in Tunisia in 1965.

'Abortion prompted much debate, because at the time Tunisian society was not really ready to accept it. Parliament invited a female gynecologist to testify, the first one in all of the Maghreb, who worked in a major hospital. She described the suffering of women who were dying either from clandestine abortions or of multiparity. The deputies then decided to vote in favor of the law on abortion, on condition that it only be authorized for women having at least 5 children or for social reasons,' Nabiha Gueddana continues. Then in 1973 this restriction was removed but the benefits of family allowances were limited to the 4th child, then to the 3rd child.

Thus, all women can get an abortion in a hospital without seeking the authorization of their husband within the first three months.

The results of this policy of family planning which was put in place by President Bourguiba and has been continued by President Ben Ali speak for themselves. The index of child bearing, which was 7.15 in 1966, had fallen by 2006 to 1.7630. And this spectacular decline of births in record time has inevitably facilitated women's emancipation.

'The reduction in the number of children had had positive effects, because the natural resources of Tunisia are limited and, in any case, less than those which certain of our neighbors, such as Algeria, command. This policy of family planning was indispensable. Without it, the Tunisian population, which is today 10,211,000 habitants would have exceeded 17 million,' Mme Gueddana stresses.

In parallel, the rate of demographic growth fell from more than 3% during the 1960s to 2.6% in 1975 and 2.3% in 87. Today the figure is 1.11%, placing the country among the lowest on the African continent.

Finally, thanks to the development of an efficient health policy, among other reasons, life expectancy has risen considerably since the 1960s: between 1966 and 2002,

²⁹ Many religious dignitaries, such as Sheikh Mohamed Fadhel Ben Achour, supported the Code of Personal Status.

³⁰ The fertility index was 5.79 in 1975, 4.70 in 1984, 2.90 in 1994 and 2.02 in 2004.

women gained 24 years and men gained 20 years. The life expectancy is today 75.5 for women and 71.6 for men.

3) In the workplace

Tunisian legislation enshrines the principle of equality between men and women in all domains of employment: access to all sectors of work and equality of salaries, both in the public and the private sectors.³¹

As a direct consequence of the progress achieved in the area of educating girls, Tunisian women constitute one quarter of the active population of the country (they only represented 6% in 1966) and one third of the active population aged less than 30 years old.³² Whereas one job in 16 was held by a woman in 1966, in 2004, it was one job in 4.

'The first priority today for Tunisian women is not marriage but social and professional success. This, among other things, explains the increase in the number of unmarried men and women. But single women do very well out of it,' Aziza Htira says emphatically.

'The priority of the young Tunisian male today is that his future bride work. That is considerably more important than virginity,' says for her part Hafedh Lahmar, the coordinator of the Observation Post on the Condition of Women at the Centre for Research, Studies, Documentation and Information about Women.³³

Thus, women represent 75% of the pharmacists in the public sector, 50% of the teachers, 47.4% of the doctors, 31% of the lawyers and 29% of the magistrates (13.3% in the Higher Council of the Magistracy).

'The entrance competition in the magistracy is one of the most difficult. Women do well, because they work harder, but that is also the case in Europe. In Tunisia, they are present in all the posts: investigating magistrates, state prosecutors, presidents of the Courts of Appeal, presidents of the chambers in the Court of Cassation. Moreover, at times the court consists solely of women, from the president on down through the assessors to the representatives of the public ministry. This is exceptional. I can say that in many countries of the Arab world where the presence of women in the magistracy is tolerated, they only are engaged in social affairs,' Radhia Ben Salah says pointedly.³⁴

³¹ This equality of salaries was applied in the agricultural sector only in the beginning of the 1990s. In France, according to the latest study made by INSEE on inequality between men and women, the spread in net hourly wages for full-time employees was 23% in 2005, and even 27% among managers. In the service sector, the spread is close to 30%, such as in the public hospitals (27%).

 $^{^{32}}$ In 2004, 26.7% of the population was under 15 years of age and 64% of the population was between 15 and 59.

³³ Interview with Hafedh Lahmar, January 11, 2008 in Tunis. The CREDIF, which reports to the Ministry of Affairs of Women, the Family and Senior Citizens, is charged with the task of developing studies and research on women and their status, and preparing reports on change in the condition of women in Tunisia. See www.credif.org.tn

³⁴ Interview with Radhia Ben Salah, January 14, 2008 in Tunis.

Moreover, 14% of the administrative positions are held by women. As for women at the helm of companies, there are now 18,000 of them (there were 10,000 in 2004). Women represent 35% of company bosses in industry, 12% in handicrafts, 19% in commerce, 34% in the service sector and 16.7% in agriculture.

Following the major economic and social reforms implemented in the country after 1987, the middle class today constitutes 80% of the population.

Furthermore, since January 1, 2007 a woman can work half-time and receive two-thirds of her salary. This measure, which was adopted in favor of women and the family, was not received with unanimous approval. 'It can be interpreted as a step backwards, because it prompts women to work less and thus to remain at home. But happily, it involves certain conditions and the number of women who can benefit from it is limited,' Aziza Htira points out.

a) Assistance in employment and in the creation of companies

Many mechanisms of assistance in employment and in the creation of companies were put in place by President Ben Ali.

After visiting the disadvantaged rural areas, the President of the Republic announced in 1992 the creation of a Fund of National Solidarity (FSN, the so-called 26-26 fund), and Tunisians responded massively to his appeal by multiplying their gifts and voluntary contributions. Intended to improve living conditions in areas of poverty, the activities of the FSN are mainly directed at construction of housing, schools, and medical dispensaries, asphalting roads, connections to the electricity grid and providing drinking water. This Fund has also helped to create employment benefiting citizens in the rural areas.

It was also at the initiative of President Ben Ali that the Tunisian Solidarity Bank was created.

• Tunisian Solidarity Bank: 'The bank of the people'

The Tunisian Solidarity Bank (BTS)³⁵ specializes in financing small projects through direct loans or via associations authorized to grant microcredits.

'The 26-26 Fund has significantly improved living conditions of the population in rural areas. But by bringing them water and electricity, you also bring them bills which they could not pay,' explains Mr. Lamine Hafsaoui, chairman of the Tunisian Solidarity Bank (BTS).³⁶ 'Thus we had to find a solution so that these persons could have sources of income. The 26-26 thus began to grant assistance, but kept the number of its offices down in order to rein in its expenses — the money was intended to provide assistance, not to go for administration. The Solidarity Fund was confronted with an administrative burden which it could not handle.'

In 1995, the idea of creating another structure emerged.

³⁵ www.bts.com.tn

³⁶ Interview with Lamine Hafsaoui, January 16, 2008 in Tunis.

'Everyone was of the same opinion: we had to create everything except a bank. It was only the President of the Republic who said: 'you should create nothing other than a bank,' Lamine Hafsaoui explains.

This is how the BTS came into being on March 20, 1998.

Its objective is to facilitate access to microcredits so as to enable persons having small projects but lacking the means to finance them or the guarantees to create their own activity a stable source of income so they thereby integrate themselves into the production cycle.

The beneficiaries are for the most part young and qualified persons with degrees from institutions of higher learning and professional education.

The goal of this bank is above all to support personal initiative, as President Ben Ali explained: 'Our wish is that this bank plays an important role (...) in stimulating the mentality of 'self-reliance,' perseverance till successful conclusion and winning challenges. We want this banking institution to be a mechanism which contributes to the spread of a spirit of initiative.'³⁷

The capital of the bank, which is 40 million dinars, is held by 225,000 shareholders: 18.5 million dinars (46%) are held by the private sector and 21.5 million (54%) by the state and public enterprises.

Ever since its creation, this bank has dealt with a large influx of requests for microcredits from both urban and rural milieu, particularly in the areas of FNS activity, in the sectors of small crafts, artisans, agriculture, trade and services.

'We address ourselves to a population which cannot meet traditional bank conditions. As is well known, banks only lend money to the rich and to those who can provide mortgage guarantees. We decided to extend unsecured loans at a maximum interest rate of 5%,' Lamine Hafsaoui says. 'By creating this bank, President Ben Ali wanted to demonstrate that no one should be left on the sidelines and that a Tunisian citizen, even one who is poor, has the right to be a bank customer. The BTS is the bank of the people.'

Loans intended to finance projects range in size from 15 to 20,000 dinars for persons without a degree and can reach 80,000 dinars for those with degrees from institutions of higher learning.

'We give out many loans to students who graduate from the university and wish to set themselves up in business,' says Maher Zenati, director of the BTS in Kairouan.³⁸ 'The payback time is reviewed on a case by case basis and can be between 6 months and 7 years. As regards grace periods, they are from 3 months to one year. The BTS has opened offices in each provincial town³⁹ in order to have direct contacts with the promoters and to offer them a better framework and better monitoring.'

³⁷ Extract from the speech of the President of the Republic during the Independence Day celebrations on March 20, 1998.

³⁸ Interview with Maher Zenati, January 16, 2008 in Kairouan.

³⁹ Tunisia has 24 provinces (equivalent to the French departments).

Examples of projects financed by the BTS of Kairouan

Since the start of activities of the BTS in March 1998, more than 160,000 small projects across the whole country have received financing. We went out into the countryside to see how effective the system is. By way of example, this bank financed 250 projects in Kairouan between 2006 and 2007.

Hairdressers Salon

Thanks to the 6,000 dinar loan granted by the BTS 8 years ago, Dhikra Bellahmer Aïdi opened her hairdresser's salon for women, the Princess Center, in the centre of Kairouan. Since then she set up a beauty salon, a fitness area and a sauna on the second floor, and on the third floor she rents out wedding gowns. In the summer, she employs a dozen persons.

'I now am considering renovating the 4th floor, the terrace, and turning it into a relaxation area for women, with cool drinks and parasols,' she explains.⁴⁰ Her spirit of initiative has won her a congratulatory certificate from the mayor of Kairouan.

Boutique of handmade embroidery

Neila Kemicha also took advantage of a microcredit to open an embroidery boutique in the same town. Six months later, she hired two persons in order to be able to devote herself to the promotion of her creations and to sell them at fairs. 'Once the loan was granted, the Bank continued to support me and to help me in my next steps. It is very encouraging,' she says.⁴¹

The BTS receives more requests from men⁴²because, as Lamine Hafsaoui explains 'women do better in the competitive exams and thus have a better chance to land a salaried job.' But, he adds, women are better payers than men.

• **UNFT Training Centers**

Created in January 1956, even before the Code of Personal Status, the National Union of Tunisian Women (UNFT, before independence known as the Union of Muslim Women) has played a very important role assisting women to be aware of their rights and their place in economic and social development. Apart from its fight against illiteracy (the work led by the UNFT in this domain earned it the UNESCO prize in the struggle against illiteracy in 1994) and poverty (by creating sources of income for women), this NGO has carried out work to publicize and make people aware of the Code of Personal Status.⁴³

The UNFT has created 200 job training centers throughout the whole country for young girls who left their studies. 'The training lasts one or two years and is particularly devoted to industrial sewing, embroidery and weaving. At the conclusion of their training, many of these women work at home,' ⁴⁴ explains Mme Olfa Atallah, regional deputy of the UNFT in Kairouan.

⁴⁰ Interview with Dhikra Bellahmer Aïdi, January 16, 2008 in Kairouan.

⁴¹ Interview with Neila Kemicha, January 16, 2008 in Kairouan.

⁴² Around 70% of men and 30% of women.

⁴³ To learn more: www.unft.org.tu

⁴⁴ Interview with Olfa Atallah, January 16, 2008 in Kairouan.

b) Increased presence of women in what are considered to be 'male' professions

Women are present in all the levels of society and are working in all professions. They are business women, farmers, doctors, lawyers, bankers, legislators, writers and script writers. They even are engaged in professions traditionally reserved for men such as the Army, civil and military aviation, as well as law enforcement. Today you also find women driving taxis, buses or the metro, and there are fisherwomen.

Here are several statements from women who are active in professional sectors considered as male:

• Amel, the first lady metro driver

Amel Bouchrara Jlassi is the first woman driver of the metro in Tunis. 'When I started in this career on September 18, 2002, I was 27 years old. I had just gotten married after finishing my university education in electronics and I was also looking for work. Since the Transportation Company of Tunis held competitive exams for openings, I enrolled and I was recruited.' ⁴⁵ Her husband, a policeman, took her choice of work very well, as did her colleagues there.

'In the beginning, travelers were surprised and perhaps did not feel safe in a metro train driven by a woman. Obviously, I had to sweep away thoughts such as 'it's normal that there will be delays, since a woman is at the wheel,' but over the years though there are still only 6 female drivers of the metro, no one seems to be amazed any more. Some passengers even applied when they see me.'

Amel, who never works at night,⁴⁶ feels perfectly safe. 'I have nothing to fear in my cabin and I am always in contact with the dispatchers. I am much better protected than bus drivers.'

• Ines, woman pilot of Tunisair

Ines Hamza, 35 years old, is one of the first women pilots of *Tunisair*. Her career is exceptional: after receiving her bachelor's degree at 17, she was a co-pilot at 21 and first pilot at 30.

'My father is a pilot and I always wanted to practice the same profession as him. I was impressed by the uniform. In the beginning, he really did not encourage me, because he believed that it was not a profession for a woman. But today he is very proud of me. And my mother, who never worked, has always encouraged me.' 47

But in this very masculine (if not macho) milieu, Ines had to impose her will. 'During my training, they were much harder on me than on my male colleagues, because you will more easily excuse a mistake by a man than by a woman. That didn't discourage me; quite the contrary.'

How was she accepted by her male colleagues?

⁴⁵ Interview with Amel Bouchrara Jlassi, January 15, 2008 in Tunis.

⁴⁶ Tunisia has ratified International Convention n°4 on Night Work of Women.

⁴⁷ Interview with Ines Hamza, January 12, 2008 in Tunis.

'I have not really had any problems but my co-pilots were often ill at ease. It should be said that some were two years from retirement. In the beginning, when I gave them orders they responded 'yes sir'48 instead of 'yes madam' out of force of habit.' It is not unusual for passengers to ask her for a glass or bottle of water. 'Indeed, they take me for an air hostess,' she adds, with a laugh.

Ines Hamza, who makes short and medium distance flights, is inevitably confronted with some radically different attitudes in other Muslim countries.

'When I land in Saudi Arabia, and when I leave the plane, all the men on the tarmac stop working in order to get a view of me. They don't believe their eyes. Then when I arrive at the hotel, I am given a scarf and am reminded that I do not have the right to drive a car. ⁴⁹ This is hallucinatory! I can pilot a Boeing but not a car! And it is there that I understand that Tunisia is the Europe of the Muslim world.'

The mother of twins aged 8 years old, Ines manages to reconcile her family life and her professional life. 'I have very special schedules and I do not always have my weekends or holidays. It is not easy for an Arab husband to accept. But he knew that before our marriage. Moreover, when we were engaged I asked him to take time to reflect before marrying me. Today he accepts my work and my absences.'

Hayet, the first woman at the head of a shipping company

There is no sector more closed, more misogynous and thus more difficult for a woman to enter than the shipping and port sector. Yet that is the one that Hayet Laouani selected. In 1976, when she was just 25 years old, she set up the maritime company in Tunis that she still runs today, together with a road transport company.

Her career began four years earlier.

'I had just gotten married and I wanted to work. By chance I found myself in this milieu.' 50

In the beginning, since she had a command of English, which was rare at the time, she was hired part-time in a small shipping agency to translate texts.

'The men considered me as their secretary though I was the best educated among them. In my family there were six children and my father treated his daughters as if they were his boys. The minimum that he demanded of us was that get our bachelor's degree. Since I took an education in literature, I was expected to become a teacher. Moreover, at the time women were mothers, teachers, nurses or doctors. But the way I was handled roughly on the job made me want to persevere in this path. It was a challenge, because there was no other woman in this sector. Of course, that is no longer the case today.'

At the age of 22, she got her first card authorizing access to the port and on board the ships.

⁴⁹ Saudi Arabia, which rigorously applies the principles of Wahhabism, is the only country in the world to forbid women to drive, whether they are Saudis or foreigners. Those who can hire a driver and the others rely on a male relative to take them to work, to school, to the doctor or to go shopping. Petitions are regularly sent to King Abdallah for this prohibition to be lifted, but they are all in vain.

⁴⁸ English is the language systematically used by air pilots.

⁵⁰ Interview with Hayet Laouani, January 11, 2008 in Tunis.

'I had a hard time making myself accepted by the men. But it wasn't easier for them to accept me either. And then, as we know well, in the mind of sailors, women bring bad luck on board ships.'

She was married to the son of a prosperous and well known family, and the need to work late at night and remain alone with men when she created her own business sounded the death knell of their relationship.

'I was no longer a 'classic' woman as the word was understood at the time and the weight of the family bore down on me. I therefore got a divorce and this was thanks to the Code of Personal Status. That is how I found myself young, a woman, the boss and a divorcée. That was a lot, the more so as I sometimes directed men who were the age of my father. But at no time did I turn my culture, my being oriental, and my religion into an abstraction. I was not transformed into a European woman to succeed. I am a Muslim. I perform my prayers and my pilgrimage, but that has never stood in the way of living a 20th century life as it is.'

Aside from her professional activities, Hayet Laouani, heads many federations. In particular, she is the president of the National Transport Federation. She also pursues a career in politics and has the rank of Senator.

'I have nothing to gain there, but I owe it to my country. This is like paying back a debt. Because this country has given me a great deal.'

4) In the domain of politics and associations.

In 1957, the right to vote was granted to women – and we emphasize that **husbands** cannot vote for their wives even with a power of attorney. At the same time women became eligible for elected office.

Today 7 women are members of the government (i.e., 13%): 2 are ministers and 5 are secretaries of state.⁵¹

Women are also present in elected offices:

- 22.7% in the Chamber of Deputies⁵²
- 15.2% in the Chamber of Councilors (second house of parliament created in July 2005) where the second vice-president is also a woman (see the statement below)
- 27.4% in the municipal councils 53 : out of 265 mayors, 5 are women.
- 26.4% of the members of the Central Committee of the RCD (Constitutional Democratic Party), the party in power, are women.⁵⁴

⁵¹ Minister of Affairs of Women, the Family, Childhood and Senior Citizens (ministry created in 1992); minister of Equipment, Habitat and Improvement of the Territory; secretary of state to the Minister of Foreign Affairs in charge of American and Asiatic Affairs; secretary of state to the Minister of Affairs of Women, the Family, Childhood and Senior Citizens; secretary of state to the Minister of Technology and Communication in charge of Computer Sciences, the Internet and Free Software; secretary of state to the Minister of Social Affairs and Solidarity with Tunisians Living Abroad in charge of Social Promotion; secretary of state to the Minister of Public Health in charge of hospital institutions.

⁵² They only represented 4.26% in 1989, 7.4% in 1994, 11.5% in 1999. This rate grew by 50% between 1999 and 2007.

⁵³ They were 13.3% in 1990, 16% in 95, 21.6% in 2000.

⁵⁴ They were just 4.3% in 1987.

Moreover, women represent a third of all the members of the 9,132 associations and they hold 21% of the directors' posts in national and professional associations and organization.

Aziza Htira stresses the importance of quotas: 'I returned from Sudan, where I participated in a meeting of the Unions of Arab Women where we shared our experiences. I can see that if you do not set quotas, women will never be able to occupy a place in politics. This is because neither the men nor the women agree to elect a woman unless forced to do so; they just do not have the confidence to do so.'55

Although women occupy more and more positions of power in Tunisia, Aziza Htira believes that they are not sufficiently represented in political life: 'The mechanisms have to be changed. We must put in place measures of support, so that a woman who is working and looking after her family can be relieved of housework. Men participate more than before in household chores, but not enough. Everything depends on the education that he has received. He agrees to participate in these tasks when he has no complexes with respect to a spouse who works and engages in politics. If he has complexes, then this is a way for him to show to his spouse that he also has value.'

Here we see the statements of two lady politicians whom we have met.

• Néhiza Zarrouk, 2nd vice-president of the Chamber of Councilors

Mme Néhiza Zarrouk has been engaged in politics since being summoned by President Ben Ali on November 7, 1987. Since then she has occupied many first rank posts: national secretary in charge of Women's Affairs within the RCD party in 1992, member of the political office of the party in 1995, Minister of Affairs of Women and the Family in 2001, Minister of Professional Training and Employment in 2002, Ambassador of Tunisia to Lebanon in 2005. She is today the 2nd vice-president of the Chamber of Councilors.

'The first 30 years after independence were the years of consolidation of the status of women within the family, in public and professional life. Then everything was done for women to be integrated into political life,' she stresses. 'It was at the initiative of President Ben Ali that the RCD party made it a requirement that at least 25% of women be elected to the legislative posts in order to increase their representation in the Chamber of Deputies. During the 20th anniversary of the Change, he announced that this quota would now be at least 30% during the next legislative elections in 2009. He is right to challenge the other parties to catch up. There is still a certain reticence on the part of some men to see women occupy more and more place in politics, but this is legitimate. The competition is rough.'56

⁵⁵ Interview with Aziza Htira, January 15, 2008 in Tunis.

⁵⁶ Interview with Néhiza Zarrouk, January 14, 2008 in Tunis.

• Elloumi Mounira, mayor of Kram

After having served for ten years as a member of the municipal council of *La Goulette*, Mme Elloumi Mounira was elected mayor of Kram.⁵⁷

'My commune employs 500 staff, including many women, especially in the administration. It is true that I try to feminize the posts but I always look for skills. Recently I held a competition to recruit an architect and I hired a woman because her skills were better than the male candidates.'58

Madame mayor encourages direct contact with the citizens and working on the ground.

'My commune is among those that got the best results. In the beginning, I was very strict, particularly in the domain of surfacing, since I was obliged to invest in the roads, in lighting, in cleanliness. But I was just applying the law.'

Elloumi Mounira was also the first president of a male football club.

'I had some difficulty making myself accepted. During the matches, I refused to take a seat in the bleachers and instead remained on the ground with the players. My presence disturbed them. And then the members of the committee scheduled meetings late so that I would not be able to participate, but over time the men ended up accepting me.'

In 2006, Elloumi Mounira became president of the first female football league in Tunisia.

'It's thanks to President Ben Ali, who, in his electoral program of 2004, asked that there be more women within sporting federations,' she said in conclusion.

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⁵⁷ A city located between La Goulette, the port of Tunis, and Carthage, Kram has 60,000 inhabitants. Until 2001, this commune belonged to the municipality of La Goulette.

⁵⁸ Interview with Elloumi Mounira, January 11, 2008 in Tunis.

Ш

ARE THE ACHIEVEMENTS OF TUNISIAN WOMEN THREATENED BY ISLAMISM?

By resisting all the conservative currents of the age, the Code of Personal Status showed the Muslim Arab world that it is possible to promote the rights of women while respecting Muslim culture by combining modernity and traditions. The rights acquired by Tunisian women over the course of these past 50 years constitute a bulwark against extremism and fundamentalism. But could they be threatened?

Before answering this question, it is essential to look closely at the situation in Tunisia with respect to Islamism.

1) Islamism in Tunisia

Although no structured Jihadist or even 'political' Islamist organization presently exists in Tunisia that was not always the case.

a) Emergence of Islamism at the start of the 1980s

At the end of the 1970s, when President Bourguiba was weakened by advanced age and illness, the political, economic and social situation was critical in Tunisia. The Islamists, who acted discreetly during the preceding decades, exploited this progressive weakening and tried to come back in force to the foreground. At the time, some voices were raised calling for the abolition of the CSP, which had become the red line separating modernists and reactionaries.

The *Movement of the Islamic Tendency* (MTI), close to Egypt's Muslim Brotherhood, began to argue in favor of the establishment of an Islamic state in Tunisia and put in place an armed structure in order to take power by force. This slide towards radicalism accelerated in 1978 with the revolution of the mullahs in Iran. Following the arrest of many Islamic leaders, including Rachid Ghannouchi, head of the MTI, the fundamentalists switched to violent action and **set fire to companies**, threw acid at women who were not wearing the veil and attacked tourists in hotels in Monastir and Sousse. The fundamentalist threat even became a mortal danger for Tunisia: a coup d'état was planned for November 8, 1987. Upon his accession to power, President Ben Ali prevented this coup by force.

From the moment he took office, the new President, in a wish to bring some relief, began by emptying the prisons and freeing the Islamists. He even tried to bring the Islamists into the political contest. Thus, the MTI, renamed *Ennhada* (The Renaissance) in order to erase any direct allusion to Islam, was able to put up candidates for the legislative elections of April 2, 1989 but only won 8% of the votes.

Confronted with their defeat at the ballot box, the Islamists then undertook to destabilize the country: on February 18, 1991 they attacked one of the seats of the party of power at Bab Souika and, after binding two of the guards hand and foot, they doused them with petrol and burned them alive.

This action was part of a vast terrorist plot. Its discovery led to the ban on the *Ennhada* movement, which was decapitated. A number of its members were arrested, tried and sentenced.

The authorities were forced to draw some lessons after this unprecedented crisis: 'According to the laws and the Tunisian Constitution, there will be no place for a religious party. There never will be. We are not taking that route,' declared President Ben Ali in an interview with the Financial Times on July 27, 1994.

'The Islamists were defeated by force. They needed to be. Tunisia is a Muslim country. It is written in the Constitution. We respect religion, the religious holidays. We build mosques. So we do not need to have an Islamist party. It has no place in Tunisia,' 59 Elloumi Mounira stresses. 60

Certain elements of *Ennhada* remained at liberty and took refuge abroad, particularly in Sudan, then in Afghanistan, where they belonged in the 1990s to the *Al-Qaida* movement. This is how on the ruins of *Ennhada*, between the Afghan camps and Europe (particularly in Belgium and France) Tarek Maaroufi⁶¹ and Seifollah Ben Hassine created the *Tunisian Islamic Fighting Group* (GICT, often referred to as the GCT) at the end of the 1990s. In 2002, the United Nations placed this group on the list of terrorist organizations and entities linked to *Al-Qaeda*.

The **GICT** – whose exact force is unknown but which probably has between several dozen and two or three hundred members – never managed to really become established in Tunisia and remained a 'mercenary' structure depending closely on **Al-Qaeda** and carrying out various logistical and operational missions for that movement. Since then the GICT joined with the **AQIM** (Al-Qaeda in the Islamic Maghreb) and many Tunisians were arrested in Algeria when they tried to reach its camps.

b) Terrorist acts after the dismantling of Ennhada

Compared to the neighboring countries, Tunisia appears calm. Nonetheless, one terrorist act did take place in Tunisia after the dismantling of the *Ennahda*, *plus one failed attempt*:

⁵⁹ Islamist parties are prohibited in Tunisia, the same as the Tunisian Communist Workers Party (POCT). The law on political parties stipulates that if they want to be approved they must reject violence, extremism, racism, regionalism and all forms of discrimination. Furthermore, parties should not be oriented to a religion, to a sex, to a language or to a region. Finally, parties must approve the Constitution and work to strengthen it.

⁶⁰ Interview with Elloumi Mounira, January 11, 2008 in Tunis.

⁶¹ As a refugee in Belgium, Maaroufi continued to help run terrorist networks. In Brussels during the summer of 2001, he participated in the assassination of Ahmed Shah Massoud, the '*Lion of the Panshir*,' a prelude to the attacks of September 11, 2001.

- On April 11, 2002, the French-Tunisian Nizar Nawwar blew up a lorry filled with gas in front of the synagogue of La Ghriba at Djerba, partly destroying the building and killing 21 persons. It was the first attack attributed to *Al-Qaeda* after September 11. Nawwar did not belong to the GICT but acted directly on behalf of *Al-Qaeda* as we see from his contacts with the German convert Christian Ganczarski and with Khalid Sheikh Mohammed, *Al-Qaeda's* 'director of operations.'
- In December 2006 and January 2007, Tunisian security forces disabled a terrorist group which numbered about thirty in the region of Tunis. The group, which was directly linked to AQIM (many of its leaders had been trained in Algeria), planned to create an underground and attack the embassies of the United States and Great Britain. During clashes in 2006-2007, a dozen terrorists were killed and fifteen others were arrested. They were then sentenced to heavy terms in prison.

Since 2001, several terrorist networks specializing in logistics, in propaganda or in preparing attacks have been dismantled in Tunisia. But the Jihadist Tunisians have been active above all abroad. Some twenty of them participated in the Jihad in Iraq (of whom one of the main leaders, Abu Oussama al-Tunisi, was Tunisian as his nom de guerre indicates). Others have been arrested in Belgium, Canada, France, Great Britain, Italy or Switzerland. The Tunisian Islamist movement, though extremely small, remains active, organized and extremely dangerous, whether those who are quick to denounce the 'paranoia' of Tunis like it or not.

2) Are the rights of Tunisian women threatened by Islamism?

During Independence Day on March 20, 2007, President Ben Ali reminded his listeners that equality of men and women was a question that was definitively dealt with, not a matter for discussion, and irreversible. 62

'Our fight has won, because we knew how to adapt the values of Islam to modern values. We have advocated an open Islam, one of reason and therefore perfectly adapted to universal values. We have an educated society, because we have put our money on teaching and this is a very important achievement,' says Nehiza Zarrouk. 'Granting an important status to women is a way of fighting against fundamentalism. But we are in a world that is changing before us and, inevitably, we are influenced by what is going on around us.'63

Elloumi Mounira emphasizes that Tunisian women are struggling and will always struggle to maintain what they have achieved and men are helping them in this. Without their aid, they would be a turning back. Because the Code of Personal Status does not concern just women. It also is addressed to husbands and children. Even if these rights seem obvious in Tunisia, you have to constantly be aware that this is not the case in other Muslim countries. I have met Jordanians who told me

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⁶² Speech made during a ceremony organized on the occasion of the 51st anniversary of Independence and the celebration of the Festival of Youth.

⁶³ Interview with Nehiza Zarrouk, January 14, 2008 in Tunis.

that Tunisia is no longer a Muslim country. When such statements are made by women, I find it very dangerous.⁶⁴

'To lose these achievements? We won't let it happen!' exclaims Hayet Laouani. 'Why, I live surrounded by men. I don't sense any frustration among them. No one has taken anything away from them. They grew up and evolved at the same time as $us.^{65}$

According to Aziza Htira, women are the first target of fundamentalism. And as women represent half of society and raise the children, the fundamentalists can do everything via women.

But in Tunisia, the rights of women cannot be threatened. It is unthinkable for a Tunisian woman to stop going to school or to accept polygamy.*6

'Women have made such major achievements that they cannot submit to the influence of the Islamists. They know that if they leave this door open what the consequences for them will be,' continues Radhia Ben Salah before stressing that in Tunisia violence is not in the nature of either men or women. 'And these principles of non-violence are inculcated in the children. One of the principal subjects taught at the Higher Institute of the Magistracy deals with the rights of man. Not only within UN pacts but in the culture of non-discrimination and of tolerance.'67

At the same time, nothing is won forever and there exist real threats of a return to the past.

a) The return of the veil?

On the occasion of Women's Day, August 13, 1966, President Bourguiba 'unveiled' some women in the street. This highly symbolic gesture reflected his fight for the emancipation of Tunisian women. As someone fond of shock formulas, he at other times spoke of the veil as a 'pitiful rag' or 'appalling shroud.'

In the 1980s, wearing an Islamic veil developed in parallel with the rise of the Islamic movement *Ennahda*, and it disappeared after the exclusion of this group from the political field. A circular from the Prime Minister published in 1981 prohibited women from wearing the *hijab* in schools, universities, public offices and places.

Though not very much seen in Tunisia, the *hijab* nonetheless resurfaced a few years ago after the attacks of September 11 and the American offensive in Iraq. 'For young people of my generation, the question is not the return of the veil but of its emergence,' Hafedh Lahmar says with emphasis.⁶⁸

Its return in force, and its inclusion in *Islamic* apparel is perceptible, notably in Tunis, and the phenomenon affects a great many young women, including university

⁶⁴ Interview with Elloumi Mounira, January 11, 2008 in Tunis.

⁶⁵ Interview with Hayet Laouani, January 11, 2008 in Tunis.

⁶⁶ Interview with Aziza Htira, January 15, 2008 in Tunis.

⁶⁷ Interview with Radhia Ben Salah, February 14, 2008 in Tunis.

⁶⁸ Interview with Hafedh Lahmar, January 11, 2008 in Tunis

students. Considered as the most emancipated in the Muslim Arab world, are Tunisians in the process of descending into fanaticism?

'This phenomenon affects the majority of unemployed women and when they find work, they remove their veil. It does not have a religious meaning. Just because they wear the veil does not mean that they do not take the pill, that they do not have abortions or that they do not commit adultery,' Hafedh Lahmar goes on to say.

'The amalgamation that some people made between Islam and terrorism since September 11 has profoundly humiliated Muslim societies. They have felt themselves under attack in their culture and their identity. The identity revolt has translated itself into the wearing of the veil. But these young girls have a paradoxical behavior. They wear the veil. Some of them even go swimming with the hijab and long robes, but they flirt with the boys.' Nabiha Gueddana stresses.⁶⁹

For Mme Zeineb Mamlouk, president of the University of Tunis El-Manar, it is just a matter of fashion: 'If you ask them why they are wearing the veil, you will get as many different answers as there are people. It is true that the phenomenon has spread somewhat. You see it more and more on campus. But I can confirm that some only wear it for several months and then give it up. These are women who have difficulties fitting in. They need to be listened to. It is a call for aid. Then many of them are single⁷⁰ and perhaps they think that the veil is a message of good conduct that will help them find a partner. It's a passport for the street '71

According to Zeineb Mamlouk, this is a spontaneous cultural phenomenon which has nothing to do with political activism. She nonetheless says that women of her generation – born just after Independence – never wore the veil.

This phenomenon, which is synonymous with regression and which constitutes the promotion of a model very widespread in countries where women continue to be subjected to polygamy, repudiation and other forms of discrimination, is deemed to be disturbing by many women. The return of religiosity, though it may be in the minority, affects young people above all. They are for the most part secular and come from all social milieus. It puts in doubt the Code of Personal Status of 1956.

'What a feeling of anxiety comes over me and what a terrible knot grips my stomach when I see today in this same Arab city the silhouette of a woman veiled from head to toe strolling through the souks behind her bearded husband wearing the long jellabah and sandals on his feet, a horde of kids, all of the same age, surrounding them,' confides Nassima Ghannouchi, Secretary General of the UNFT.⁷²

Houria Abdelkafix works at the School of Art and Cinema in Tunis. She relates the following: 'We sometimes note changes in the behavior of the young people. Recently

⁶⁹ Interview with Nabiha Gueddana, February 14, 2008 in Tunis.

 $^{^{70}}$ The rates of single households have increased in Tunisia, where the age of marriage is on average 31 years old.

⁷¹ Interview with Zeineb Mamlouk, January 14, 2008 in Tunis. Mme Mamlouk is the only woman president of a university in Tunisia.

⁷² Cited in 'Femme,' a journal published by the National Union of Tunisian Women, n°142, August-September 2006.

I noticed how one young girl took the veil from one day to the next. And when I asked why, she told me that she had a 'revelation."

'For us the veil does not only have a religious and fundamentalist connotation. It also represents a risk of returning to a period of violence' Aziza Htira says.

In order to prevent this phenomenon from spreading and in order to combat Islamism, the Tunisian government recently decided to apply the decree of 1981 prohibiting the wearing of the Islamic veil in public places.

'One should not trivialize the veil,' Aziza Htira continues. 'The danger would be that it does not arouse any discussion.'

One of the problems of the veil is certainly that it is accepted by too many European intellectuals who would like to see Tunisia (just as Turkey) show itself to be more 'tolerant.' A warped vision, or what one may call perverse vision of 'liberty' prompts those who should defend women and their rights to consider it as 'normal' or 'natural' that these rights be observed in a Muslim country. In the view of an intellectual reformer, this 'pathological' vision may be explained by 'the feeling of guilt arising from European colonialism which affects many European intellectuals and pushes them to support the demands of the Islamists that young girls wear the Hijab to school.'74

b) Influence of certain satellite TV channels and of certain Western talk about Islamism

The spread of satellite dishes (some 500,000 of them for 10 million inhabitants) offers Tunisians access to many Arab satellite channels including *Al-Jazira* but also the very fundamentalist *al-Manar*, the channel of the Lebanese Hezbollah, and *Iqra*, a Saudi Arabian channel that promotes Wahhabite thinking.

'The influence of the religious preachers, of the Tarik Ramadan wearing Hugo Boss suits who denounce the Western way of life on television channels cannot be ignored. It is for that reason, among others, that the girls are donning the veil,' stresses Sihem Belkhouja, director of the School of Art and Cinema in Tunis and of the Choreographic Encounter of Carthage.75

Among these preachers is **Amr Mahmoud Helmi Khaled**, who, as a volunteer from the UNFT in Kairouan emphasizes, has enjoyed a lot of success with young women.

'The weekly broadcast of this young preacher who is the star of the Iqra channel, holds sway over a feminine audience which finds in it answers to both the life of the Prophet and to questions affecting menstrual cycles or how to wear the veil most elegantly. This is a star who dresses in a very chic manner, a very handsome man, an expert in communications. All the girls are in love with him.'76

⁷³ Interview with Houria Abdelkafix, Monday, January 14, 2008 in Tunis.

⁷⁴ Statements made by Lafif Lakhdar on December 10, 2006 in the course of a conference at the Hebrew University in Jerusalem.

⁷⁵ Interview with Sihem Belkhouja, January 15, 2008 in Tunis.

⁷⁶ Interview with a UNFT volunteer in Kairouan, January 16, 2008 in Kairouan.

Nicknamed the sheikh of the rich, this son of a good Cairo family born in 1967 has become the most popular preacher in the Arab world. He began by preaching in the mosques and then, beginning in 1998 starting broadcasting his sermons on the television station Iqra. His popularity and his influence ended up worrying the Egyptian authorities who tried to ban his sermons. He was exiled to the United Kingdom, where he pursued his activities on satellite channels and on the Internet.⁷⁷ His target: young people, women and the wealthy. He speaks to them in dialectal Arabic in order to reinforce the sense of closeness and makes use of humor, but his talk is extremely conservative and moralizing.⁷⁸ He does not hesitate to welcome to his broadcast 'penitents,' those who have returned to religion.

The negative influence of some satellite channels on the evolution of the rights of women is supported in parallel by a resurgence in tolerance for Islamism by certain Western circles.

There was a time out that followed September 11 which to a certain extent corrected the casual attitude towards Islamist movements taken to be democratic and which mostly revealed themselves to be bridgeheads for *Al-Qaida*. Now we see just about everywhere in Europe and in America a return of leniency towards Islamism. This has the effect of revitalizing the movements which call themselves democratic but which are built on a matrix of discrimination based on sex and the main program of persecuting women.

The consequence is that since they are unable to act inside the country mainly due to the values of the Code of Personal Status having taken root, the Islamist movements take advantage of the kindliness shown to them by certain circles associated with the defense of human rights to try to threaten the achievements of Tunisian women from outside the country.

The three principal means by which the Islamist extremists act are now the satellite channels of the Gulf, the abusive manipulation of certain organizations for the defense of human rights which then serve the propagandist cause of extremist movements while thinking they are aiding the cause of human rights, and exploitation by propaganda of the dramas unfolding in the Near and Middle East which feed frustrations and bitterness, providing the extremists with formidable currency in political commerce.

c) Are men destabilized by... the success of women?

Tunisian women occupy an ever more important place at all levels of society because, as Aziza Htira emphasizes, they do better at the university than men. The men are then destabilized, above all when women have more degrees and earn more.

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⁷⁷ www.amrkhaled.net

⁷⁸ 'My sisters, you have to think of the day of the Resurrection when you stand before Allah and He asks you about your hijab. What will you answer? I am talking, my sisters, of your modesty before Allah. Can it be that you have no shame to dress in a manner that is so unsuitable?' (extract of his speech on the veil: http://www.amrkhaled.net/articles/articles/25.html)

'There are more women with higher educational degrees in all the Arab countries, because this is one domain where they can excel,' says Aziza Htira. 'But this situation risks creating problems, because we now see Tunisian women marrying men who have a lower level of education. And the level of education has a lot of importance. It is not easy for a man to live with this, nor is it easy for a woman.'

And Zeineb Mamlouk adds: 'At the level of master's degrees and doctorates, we have more girls than boys. This signifies that work is going to be more open to women. It also signifies that women will be working to support men. How will they react? Their ability to have others obey them will be tested. I am not afraid of terrorism, but I am afraid of seeing women terrorized by their father, their brothers, their husband because the men are unemployed while they are working.'

Unemployment is in fact handled worse by men than by women. This is because women who are unemployed do not remain inactive: they bake cakes, do sewing, do embroidery, paint on silk and then sell these articles, perhaps over the Internet, and so contribute economically to the family income.

'A man without work is culturally destabilized, because he should be the head of the family,' Zeineb Mamlouk stresses.

According to one UNFT volunteer: 'If women succeed too visibly, this can open the door to fundamentalism.'

3) When women are the enemy of ... women

This last consideration is probably the reflection of the widespread fear felt by many Tunisian women who are aware that the achievements of the past fifty years remain fragile. Aren't they intrinsically linked to the perpetuation of the present constitutional order? Certainly, that hardly seems to be threatened. But what would happen if tomorrow Islamism set alight the whole region and threatened the very existence of the 'Tunisian model'?

Another source of concern is the fact that certain women can succumb to the Islamist 'sirens' and go back to the old order.

The liberal Tunisian thinker Lafif Lakhdar, who hardly is suspected of an exaggerated sympathy for the regime in power (in his youth he took up the cause of the opponents of President Bourguiba and he now lives in Paris) emphasizes that 'A great many Muslim women have internalized Islamic law, which was thought up by men and for men. This is what a French sociologist calls 'symbolic violence,' meaning that the victim — in this case the Muslim woman — accepts the vision of her executioner (...) When Habib Bourguiba abolished polygamy and repudiation in 1956, the majority of women rejected these laws and voted against him in the local elections. Should Bourguiba have repealed these laws and let women become the victim of an obsolete Islamic jurisprudence?'

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⁷⁹ Elaph, September 8, 2007.

The Islamists are well aware of this psycho-sociological aspect and do the maximum to make Tunisian women 'feel guilty' in order to exploit them for their purposes. Their preferred target is the mother, sister or spouse (widow) of a 'martyr,' who is incarcerated for his activism or killed, for example, in Iraq. They try thereby to create a 'phalanx,' which in their view could one day offset the influence of the feminist current.⁸⁰

Though it is a very small minority in Tunisia, this current is more present, yet again, in the Tunisian Diaspora. Many Tunisian women have been arrested in operations directed against terrorist networks in Europe, and in Italy, one of them, Bentiwa Farida Ben Bechir, was suspected of directing a cell specialized in the recruitment of suicide bombers for Iraq.⁸¹

Paradoxically, both in Tunisia and in Europe this reactionary current takes advantage of the complicity of certain Leftist movements which, out of radical opportunism, flirt with fundamentalism by defending, for example, the wearing of the veil as 'an individual freedom' and by supporting the right of Islamists to create political groups.

4) The fight of Tunisian women against fundamentalism

Fearing the rise of Islamism is prompting women to not only demand rights but to defend the Code of Personal Status and, more generally, the 'Tunisian model' against attacks on them by the Islamists.

This 'Tunisian model,' which has managed to preserve the progress in the rights of women and to have them take root in society so as to become irreversible despite their questioning by extremism, is worthy of support and encouragement. This success can have a snowball effect on the whole region, and that can only be beneficial to women and to the balance within these societies which is so essential for the process of political modernization underway to end well.

For the last time, let us let the interested parties speak:

'The most important fight is to save what we have. Tunisia must remain the leader in the domain of women's rights and bring along other Muslim Arab countries, not the reverse,' Aziza Thira emphasizes.⁸²

'If women feel that there is a risk of Islamisation, they will fight using awareness building campaigns within their households, in the public administrations. And the men will fight alongside them, because they also refuse to go backwards. It would be an economic disaster if women stopped working, because they carry weight in the world of work,' says Elloumi Mounira 'But I remain an optimist, because we in the majority think the same way, even those of us in Opposition parties.⁸³

83 Interview avec Elloumi Mounira, January 11, 2008 in Tunis.

⁸⁰ On this subject, one may refer, among others, to the article by Jamel Arfaoui: 'New Islamist websites seek to recruit women' in www.magharebia.com, August 30, 2008.

⁸¹ See Katharina Von Knop, "*The female Jihad : Al Qaeda's women*," Studies in Conflict and Terrorism, Volume 30, Issue 5, May 2007.

⁸² Interview with Aziza Htira, January 15, 2008 in Tunis.

'The problem of Islamism should be dealt with at its sources. You have to begin by making a diagnosis,' Hayet Laouani adds. 'And to treat the illness — the fundamentalists, the extremists — you have to heal society. We have to continue to work on the social issues, education, and equality. Nothing should be left to chance. The middle class today represents 80% of the population, but if we are not careful, it can be pulled down. Are women the bulwark against fundamentalism? Yes, but they should not be the only bulwark, because one day they may be pushed and fall. Therefore you have to be vigilant. It's the duty of everyone to protect this country and not just the intelligence services and the police.'84

'In order to preserve our achievements, we must educate young people so they understand what underlies the Islamist tendencies. We must listen to what is going on and what is being said. And this is the business of everyone, the political parties but also the civil society, the family, the associations, the structures looking after young people, schools. Everyone has to be mobilized,' concludes Nehiza Zarrouk.⁸⁵

The existence of a powerful and well organized feminist movement and the fact that Tunisian women in their great majority are aware that they occupy a unique place in the Muslim Arab world constitute not only a bulwark against fundamentalism. These elements also attest, whether some people like it or not, to the existence of a veritable 'civil society' in Tunisia. They are one of the agents which are preparing the country to change in the direction of greater freedom and a balance between the need to defend the State and the rights of its citizens. Tunisia can and must progress still further, but it will do so at its own pace. And it will do so in part thanks to women.

In Tunis as elsewhere, women are the look-out of a world to come. That is why Islamism wants to silence them. That is why we should listen to them.

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⁸⁴ Interview with Hayet Laouani, January 11, 2008 in Tunis.

⁸⁵ Interview with Nehiza Zarrouk, January 14, 2008 in Tunis.