

The impact of the legal reform progress and the Jasmine revolution on the Tunisian women status

January 2012

Tunisia has constantly asserted women's fundamental rights and promoted their economic and social status. The first achievement after Tunisia's independence was the adoption of the Personal Status Code, which laid the foundations for a new organization of the family, based on legal equality between men and women.

This new vision of society had been widely disseminated, had gradually been adopted by women and led to a prime position at the economic level.

All these factors helped women in Tunisia to be unique in the Arab world as they enjoy near equality with men and they contributed in January 2011, side by side, to put an end to dictatorship in the country.

I. The reform progress concerning the women status in Tunisia

A. The emancipation of women rights through the Personal Status Code

The date of August 13, 1956, the promulgation's date of the CPS, and its reform by virtue of the law number 74 of 12 July are considered as the most important dates in the Code's history, viewed as one of the top achievements in modern Tunisia. Since then, the CPS has been the subject of more and more interest on the part of the State and of the large majority of the actors of the political life sphere in Tunisia as well as the pride of the Tunisian people

B. The emancipation of Tunisian women rights through other laws

The legislators made their best to elaborate specific laws concerning the women in tune with the evolution of social values, the organization of public life and the participation in political life. They endeavored to elaborate more progressive laws to further consolidate women's rights in harmony with the Constitution and taking into account the evolution of the situation. The clauses diverging have been modified and new texts accompanying the social, economic and cultural mutations have been promulgated as per the reformist way that characterizes Tunisia and which is deeply rooted in the conscience of its people. The interest continued to be focused on the consolidation of the juridical gains

in favor of the woman and the family, their promotion and their appropriateness to the social needs. The interest continued to be focused as well on the reinforcement of the equality principle in terms of rights and duties between both sexes.

Tunisia **owns/enjoys today** an important patrimony of political, legislative and social achievements for women's position within the family for quality of life in society. This approach represents a betting on the human resources, a support to their contribution to the integral development and the consecration of the State of law and institutions where the discrimination between men and women is banned.

C. The emancipation of women rights becomes the key to the role of women during the Jasmine Revolution

The Tunisian Revolution is a series of street demonstrations taking place throughout Tunisia since December 2010. The protests were sparked by a self-immolation of Bouazizi on December 17 and led to the ousting of the President 28 days later on 14 January 2011, when he fled to Saudi Arabia, ending 23 years in power.

According to human rights sources, there were between 10% and 12% of active women present in massive numbers during the Tunisian revolt of January. After the Revolution, Tunisia's High Election Authority announced that, out of the 3, 8 million Tunisians who have voluntarily registered to vote, some 45 per cent are women.

In preparation for the electoral processes which will pave the way towards the setting up of democratic institutions, new commissions have been appointed in Tunisia, The three commissions which are the High Commission for the Implementation of the Revolution Objectives, Political Reforms and Democratic Transition, the Fact-Finding Committee on recent events, and the National Commission fact-finding on the cases of corruption) marked the presence of 20% of women experts as well as representatives from across the political spectrum and civil society.

The High Commission for the Implementation of the Revolution Objectives, Political Reforms and Democratic Transition required the parity between men and women on the parties' electoral lists.

The law relative to the parliamentary elections, consecrate the principle of male-female parity for any candidates' list submitted.

It's the first time in the Arab world that a country has decided that political parties should have as many women as men on electoral lists. Tunisia will hold its historical Constituent Assembly elections on October 23, 2011. Gender parity

on Tunisia's political party lists was adopted on April 11, 2011 by the High Commission in charge of the election preparation, validated by the interim government and officially announced on May 12, 2011. According to Article 16 of the decree-law related to the National Constituent Assembly, candidacies are presented on the basis of the principle of parity between women and men by alternately ranking women and men candidates on the lists.

In 2006, Tunisia's main opposition party, the Progressive Democratic Party, elected its first female leader. Presently, there are more than 100 political parties in Tunisia who will compete in the October 2011 elections. The majority of their women members have never before entered an election campaign.

II. The impact of legal progress on Tunisia women's position in the society (General Databases)

Multiple legislative gains were promulgated together concerning women and family rights and were backed up by the concrete programs and measures in order to enable women to truly become active partners in the process of developing and modernizing of Tunisia.

In Tunisia, **education and medical services** are privileged. For example, 99% of Tunisian girls under the age of six are enrolled in schools and females make up 59% of university students. In addition, more than 90% of baby deliveries are done with medical assistance.

For Parliament Division, in 1999, 11.5 percent of the parliament members were female, 21 out of 182 members, a significant progress since the 1970s. In 2001, two out of 29 **cabinet ministers were female**. The state has established mechanisms to increase women's participation and representation in decision making, such as the creation of the Ministry of Women and Family Affairs in 1984.

[Those proportions increased remarkably since the 14th of January, Tunisia's Higher Election Authority announced that, out of the 3.8 million Tunisians who have voluntarily registered to vote, some 45 per cent are women].

Besides, the number of women candidates increased 12 % (966 candidates: 697 via the national lists, and 269 via the local lists);

The number of women elected increased 17.5%;

The percentage of women legislators increased from 0.66 to 10.77 per cent.

At the judicial system, the state has taken **additional measures** to increase women's participation in the judiciary system, with the **appointment of more women magistrates to various courts**, and the appointment of women to the positions of chief justice of the Tunis Court of Appeals, director-general of the Center for Legal Studies, and director of civil affairs and director of criminal affairs in the Ministry of Justice. **Women fill about 27 percent of Tunisia's judicial magistrate positions.**

The first woman judge was appointed in 1968 but after revolution, we observe the appointment of a women judge at the head of the administrative court. And perhaps soon the country will be ready for a woman leader

These achievements, at least to me, are very impressive. In addition, A recent study sponsored by CREDIF and the UNDP on women's entrepreneurship after revolution showed that in Tunisia, Despite the obstacles, women-owned businesses appear to thrive; the survival rate after five years for women-owned businesses was almost twice as high as for businesses started and owned by men. An estimated 54 percent of women entrepreneurs have secondary or higher education, as opposed to 40 percent of men.

III. Conclusion

The participation of Tunisian women in all stages of the country's struggle cannot be denied.

Women took part in the revolution, condemned corruption and all forms of violence, it is completely logical that they should be represented 50 per cent in all sectors.

After the revolution, Tunisian women are holding tight to acquired rights and demanding more, the decision by authorities preparing the 23 October constituent assembly poll that men and women must feature in equal numbers as candidates in October polls builds on this year's revolt and is rightly considered as an Arab first

The gender parity ruling is the first in the Arab and Muslim world, which should encourage Tunisian women to involve themselves more in political life, the 23 October vote will elect a constituent assembly that will be in charge of drawing up a post-Ben Ali constitution.

On 23th of October 2011, Curtains were opened in Tunisia, on the National Constituent Assembly (NCA) elections, the first after the January 14 revolution The observers noted a record turnout, a rate nearing 90% in some constituencies with a large participation of women from all age and socio-professional categories.

The next challenge for Tunisia will be drafting a new constitution that entrenches pluralism and lays the foundations of a new era that inspires all Arab countries.