

TUNISIA

MENA Gender Equality Profile

Status of Girls and Women in the
Middle East and North Africa



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1. BACKGROUND

Demographics	Value	Year
Total population (000)	10,272	2009
Total adolescent (10-19) population (000)	1,815	2009
Total under-18 population (000)	2,961	2009
Total under-5 population (000)	788	2009
Population annual growth rate (%)	1.0	2000-2009
Total fertility rate (births per woman)	1.8	2009
Under-five mortality rate (per 1000 live births)	21	2009
Life expectancy at birth (years), male	73	2009
Life expectancy at birth (years), female	77	2009
Singulate mean age at marriage, male	30	1994
Singulate mean age at marriage, female	27	1994
Economic indicators		
GNI per capita (current US\$)	3,720	2009
% share of income held by lowest 20 %	6	2000
% share of income held by highest 20 %	47	2000
Sources: UNICEF, The State of the World's Children 2011. Life expectancy and economic indicators from The World Bank, Data Catalog, http://data.worldbank.org/ , [accessed in June 2011] Marriage data from UNPD, World Marriage Data 2008, www.un.org/esa/population/		

Gender Gap Index 2010		
Rankings of MENA countries with available data	Score	Rank
United Arab Emirates	0.6397	103
Kuwait	0.6318	105
Tunisia	0.6266	107
Bahrain	0.6217	110
Lebanon	0.6084	116
Qatar	0.6059	117
Algeria	0.6052	119
Jordan	0.6048	120
Oman	0.5950	122
Iran (Islamic Republic of)	0.5933	123
Syrian Arab Republic	0.5926	124
Egypt	0.5899	125
Morocco	0.5767	127
Saudi Arabia	0.5713	129
Yemen	0.4603	134
Source: World Economic Forum, The Global Gender Gap Report 2010 (rankings of in total 134 countries)		

2. LEGAL FRAMEWORK

Legal system. Tunisian laws are primarily based on the French code.¹ The Shari'a courts were abolished in 1956, following independence, and the country has since then had a single unified court system and a personal status code. The personal status code has been amended several times and progress has been made in reforming provisions that discriminate against women. Before the court a woman's testimony has the same weight as a man's.²

Convention on the Elimination of All Forms of Discrimination against Women. Tunisia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985 with reservations to articles 9 (2) (equal rights with regard to nationality of children), 16 (c), (d), (f), (g) and (h) (equality in marriage and family life), and 29 (1) (related to the administration of the convention; i.e. arbitration in the event of dispute), and with a general declaration that the government "shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution."³ In August 2011 the Tunisian Council of Ministers adopted a draft decree to withdraw all reservations to the CEDAW. The general declaration (mentioned above) would, however, remain in effect, according to the draft decree.⁴ When states officially inform the UN Secretary-General about the withdrawal of a reservation, this is published in the treaty database. As at 27 October 2011, the withdrawal of Tunisia's reservations has not been published in the treaty database.

Convention on the Rights of the Child. Tunisia ratified the Convention on the Rights of the Child in 1992 and maintains one declaration made upon ratification which relates to termination of pregnancy. Other declarations and reservations made upon ratification were withdrawn in 2002 and 2008. The withdrawn reservations were related to article 2 (non-discrimination), article 40 (2) (b) (v) (juvenile justice) and article 7 (nationality). Tunisia ratified the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography in 2002 and the Optional Protocol to the CRC on the involvement of children in armed conflict in 2003.

Nationality rights. In 2002 the Tunisian Nationality Code was amended to allow Tunisian women married to foreigners to transmit their nationality to their children.⁵ The law was amended again in 2010 to grant women married to foreigners the right to transmit their Tunisian citizenship to their children without the official consent of the non-Tunisian father,

1 U.S. Department of State, Country Reports on Human Rights Practices, 2011 (report, online version <http://www.state.gov/g/drl/rls/hrrpt/>) [accessed in June 2011]

2 Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

3 See United Nations Treaty Collection (<http://treaties.un.org>) for declarations and reservations made by State Parties

4 Human Rights Watch, Tunisia: Government Lifts Restrictions on Women's Rights Treaty (news article, 6 September 2011, <http://www.hrw.org/news/2011/09/06/tunisia-government-lifts-restrictions-women-s-rights-treaty>)

5 Committee on the Elimination of Discrimination against Women, Fifth and Sixth periodic reports of Tunisia, CEDAW/C/TUN/6, 2009

which was previously required.⁶ Despite this progress, different rules still apply to men and women with regard to the transmission of nationality to a foreign spouse: a Tunisian woman married to a non-Tunisian man can only transmit her nationality to her husband by decree and given that certain criteria are fulfilled, while a Tunisian man married to a foreign woman can do so easily.⁷

Divorce rights. In Tunisia, women and men have the same options for divorce: 1) mutually agreed divorce; 2) divorce by the wife or husband establishing injury; 3) divorce upon the request of either spouse. Women who have custody of children have the right to child support and there is also an alimony fund, established in 1993 by the state, which ensures payments to divorced women and their children in case the husband refuses to make the payments.

Guardianship and custody rights. In the event of divorce, the woman may be granted custody of her children, but the father will still remain the guardian. In 1993 the law was amended to increase the guardianship rights of custodial mothers so that they have a say in decisions related to their children. Mothers can also be granted guardianship of their children in case the father is unable to fulfil this obligation.⁸

Inheritance rights. The inheritance law still discriminates against women. In general, a woman's share of the inheritance will be smaller than that of a male heir. An amendment to the law made in 1959 does allow women to receive the full inheritance if there is no male heir. The law does not allow a non-Muslim woman married to a Muslim man to inherit from him. In 2009, however, the Supreme Court of Appeals ruled that a non-Muslim woman does have this right since the constitution guarantees freedom of worship.⁹

Freedom of movement. There are no laws that limit the freedom of movement of women in Tunisia. Women do not require authorization of their husband or father in order to travel or to obtain a passport.¹⁰

Protection from child marriage. In 2007, the personal status code was amended to set the minimum age of marriage at 18 for both boys and girls.¹¹ Boys and girls below this age can only get married after the consent of both their guardian and their mother, and with a special authorization from the judge. Such an authorization can only be granted in extremely serious cases and in the best interest of the spouses.¹² Polygyny is prohibited in Tunisia.¹³

Protection from gender-based violence. Domestic violence is criminalized under the penal code. At the same time the law provides that: "withdrawal of the complaint by a victim who is an ascendant or spouse shall terminate any proceedings, trial or enforcement of penalty."¹⁴ Tunisia explains the rationale behind this provision in its communication with the CEDAW Committee on Tunisia's fifth and sixth periodic report (2009) as follows: "The goal of this conciliatory approach is to leave the door open for sound family reconciliation rather than closing it by seeking at all costs to punish the spouse (...)"¹⁵ Tunisia also notes in the same document on the topic of a perpetrator avoiding punishment by marrying the victim, that: "This approach is also valid in cases where the perpetrator of a rape and the victim marry, if the latter was under 20 years of age at the time of the crime, thus terminating the prosecution or nullifying the conviction." Rape is criminalized in Tunisia according to the Freedom House report Women's Rights in the Middle East and North Africa 2010, and so is marital rape according to Tunisia's latest CEDAW report from 2009.

3. INSTITUTIONS AND MECHANISMS

Governmental response. The Ministry of Women's Affairs (MAF)¹⁶ is the government institution responsible for promoting and protecting women's rights. MAF has its own structures at regional and local level for the implementation of its programmes and projects. MAF also works with NGOs for the implementation of programmes. The National Council on Women, the Family and the Elderly brings together the government organisations and NGOs working on these matters, and serves as an advisory body to the MAF.¹⁷

Strategies and services responding to gender-based violence. In 2007 the "National Strategy to prevent violent behaviour in the family and society, gender-based violence, and violence against women" was introduced. It was developed with the involvement of ministerial departments, the Chamber of Deputies, the Chamber of Counsellors and NGOs. According to Tunisia's latest CEDAW report (2009), civil society organisations offer shelters (two shelters according to the Freedom House report), counselling and legal advice to women who are victims of violence. MAF has set up a citizens' relations bureau with a women's counselling centre, which takes complaints and petitions from women.¹⁸

6 U.S. Department of State, Country Reports on Human Rights Practices, 2011 (report, online version <http://www.state.gov/g/drl/rls/hrrpt/>) [accessed in June 2011]

7 Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

8 Ibid.

9 Ibid.

10 Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org), and information provided by UNICEF Tunisia

11 Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Third Periodic report of Tunisia, CRC/C/TUN/3, 2008

12 Jurisite Tunisie, Articles 5 and 6 (available online in French only at <http://www.jurisitetunisie.com/tunisie/codes/csp/Csp1010.htm>)

13 Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

14 Ibid.

15 Committee on the Elimination of Discrimination against Women, Written replies from the Government of Tunisia to the list of issues and questions (CEDAW/C/TUN/Q/6) with regard to the consideration of the combined fifth and sixth periodic reports (CEDAW/C/TUN/5-6), CEDAW/C/TUN/Q/6/Add.1, 2010

16 Prior to January 2011 MAF was called The Ministry of Women's Affairs, the Family, Children and the Elderly (MAFFPEA)

17 Committee on the Elimination of Discrimination against Women, Written replies from the Government of Tunisia to the list of issues and questions (CEDAW/C/TUN/Q/6) with regard to the consideration of the combined fifth and sixth periodic reports (CEDAW/C/TUN/5-6), CEDAW/C/TUN/Q/6/Add.1, 2010, and information provided by UNICEF Tunisia

18 Committee on the Elimination of Discrimination against Women, Fifth and Sixth periodic reports of Tunisia, CEDAW/C/TUN/6, 2009

4. WOMEN'S POLITICAL PARTICIPATION

Political representation. Women in Tunisia gained the right to vote and stand for election in 1959.¹⁹ The first female minister was appointed in 1983 and since then women have been appointed to ministerial posts for example at the MAF and the Ministries of Health, of Employment and Training, of the Environment and others.²⁰ In the beginning of 2010, 59 of the 214 seats in parliament were occupied by women (28 per cent of the seats).²¹ Following the ousting of the previous president Ben Ali in early 2011, the country is now undergoing major reforms, including of the electoral system. For the October 2011 national elections, the political parties must present men and women alternatively on the candidate lists, according to draft legislative decrees of April 2011.²²

Representation in the legal system. The first time a woman was appointed as a judge was in 1968 and, according to the 2010 Freedom House report, around 27 per cent of judges and 31 per cent of lawyers in the country are female.

Civil society. Tunisia has an active women's rights movement although some NGOs have faced constraints due to certain rules that have restricted freedom of association.²³ Among the major civil society organisations are the National Union of Tunisian Women (UNFT), which worked closely with the previous government, and the Tunisian Association of Democratic Women (ATFD) which submitted a shadow report to the United Nations Committee on the Elimination of Discrimination Against Women for its 47th Session (2010).²⁴ Since January 2011, NGOs are facing less constraints and the law related to NGOs is under complete review.²⁵

5. EDUCATION AND ECONOMIC PARTICIPATION

Education. The youth literacy rate is 96 per cent for female youth and 98 per cent for male youth. The net enrolment ratio in primary education is roughly equal for girls and boys (99 per cent for girls and 98 per cent for boys), according to statistics from 2009. No recent secondary net enrolment ratio estimates exist in the UNESCO Institute for Statistics (UIS) database; however, according to estimates from 2001, girls' net enrolment ratio in secondary education is higher than that of boys: 67 compared to 63 per cent.

Access to financial credit. Tunisian women have access to bank loans and other forms of financial credit. The consent of their husband or father is not required to obtain credit. Microcredit loans are available to women, and encouraging women's economic participation through access to financial credit has been a central strategy of the government.²⁶

Participation in the labour market. Despite the fact that more girls than boys enrol in secondary school (according to data from 2001) and the fact that gross enrolment data for tertiary education also show a higher enrolment ratio for women (42 per cent compared to 27 per cent for men)²⁷, women's economic participation is low. The labour force participation rate (that is, the proportion of the working-age population that actively engages in the labour market either by working or looking for work) among women age 15 and above is only 26 per cent, compared to 71 per cent for men. This is far below the global labour force participation rate of women, which is 52 per cent.²⁸ Among young women aged 15-24 the labour force participation rate is 22 per cent while for young men it is 43 per cent.

6. REPRODUCTIVE HEALTH

Maternal health. Tunisia is categorized as "making progress" towards improving maternal health (MDG5), according to analyses of the reduction of the Maternal Mortality Ratio conducted by the Maternal Mortality Estimation Inter-agency Group (MMEIG). According to 2008 figures, maternal mortality is estimated at 60 maternal deaths per 100,000 live births.²⁹ Antenatal care coverage (at least once) is 96 per cent and the coverage in skilled attendance at delivery, which is one of the most critical interventions for safe motherhood, is 95 per cent.

Early childbearing. In Tunisia, the adolescent birth rate is 6 births per 1,000 adolescent girls aged 15-19.

19 UNDP, Human Development Report 2007/2008

20 Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

21 DAW/DESA, IPU, Women in Politics: 2010 (reflecting appointments up to 1 January 2010)

22 The Quota Project, www.quotaproject.org [accessed in September 2011]

23 Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

24 The shadow report of ATFD is available here: www2.ohchr.org/english/bodies/cedaw/cedaws47.htm

25 Information provided by UNICEF Tunisia

26 Committee on the Elimination of Discrimination against Women, Fifth and Sixth periodic reports of Tunisia, CEDAW/C/TUN/6, 2009

27 UNESCO Institute for Statistics (UIS) online database [accessed in June 2011], data refer to 2009

28 United Nations, DESA, The World's Women 2010, p. 76

29 WHO, UNICEF, UNFPA and The World Bank, 2010, Trends in Maternal Mortality: 1990-2008 (Countries with MMR ≥ 100 in 1990 are categorized as "on track" if there has been 5.5% decline or more annually, "making progress" if MMR has declined between 2% and 5.5%, making "insufficient progress" if MMR has declined less than 2% annually, and having "no progress" if there has been an annual increase in MMR. Countries with MMR < 100 in 1990 are not categorized)

7. KEY INDICATORS ON THE SITUATION OF GIRLS AND WOMEN

MATERNAL AND NEWBORN HEALTH	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
Contraceptive prevalence (%)	2006	60	-	-	-	-	MICS3 2006
Antenatal care coverage at least once by skilled personnel (%)	2006	96	98	92	-	-	UNICEF global database/ MICS3 2006
Skilled attendant at birth (doctor, nurse or midwife) (%)	2006	95	98	89	-	-	UNICEF global database/ MICS3 2006
Adolescent birth rate (number of births per 1,000 girls aged 15–19)	2007	6					UNFPA, UNPD, MDG database http://unstats.un.org [accessed in June 2011]
Maternal Mortality Ratio (adjusted) (maternal deaths per 100,000 live births)	2008	60					WHO, UNICEF, UNFPA, World Bank, Maternal Mortality Estimation Inter-agency Group (MMEIG) / UNICEF global database
Lifetime risk of maternal death, 1 in:	2008	860					

EDUCATION	YEAR	MALE %	FEMALE %	GENDER PARITY INDEX (F/M)	SOURCE
Net enrolment ratio primary school (%)	2009	98	99	1.01	UIS, online database, http://stats.uis.unesco.org [accessed in August 2011]
Net enrolment ratio secondary school (%)	2001	63	67	1.06	UIS, online database, http://stats.uis.unesco.org [accessed in August 2011], UIS estimates
Youth (15-24) literacy rate (%)	2008	98	96		UIS, online database, http://stats.uis.unesco.org [accessed in June 2011]
	YEAR	TOTAL			SOURCE
Share of females among teaching staff (%) in primary education	2008	54			UNESCO, Education for All Global Monitoring Report 2011
Share of females among teaching staff (%) in secondary education		-			

CHILD PROTECTION	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
% of women aged 20-24 who were married/ in union before the age of 18		-	-	-	-	-	
Female genital mutilation/cutting among women 15-49 (%)		-	-	-	-	-	
	YEAR	TOTAL	MALE	FEMALE			SOURCE
% of children aged 5-14 engaged in child labour		-	-	-			

ATTITUDES TOWARDS DOMESTIC VIOLENCE	YEAR	% WHO AGREE WITH AT LEAST ONE SPECIFIED REASON	SOURCE
Women (15-49) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)		-	
Adolescent girls (15-19) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)		-	

HIV/AIDS	YEAR	TOTAL	MALE	FEMALE		SOURCE
HIV prevalence among young people (15–24)	2009	<0.1	<0.1	<0.1		UNICEF global database/ UNAIDS
% of young people (15-24) who have comprehensive knowledge of HIV		-	-	-		

USE OF ICT	YEAR	TOTAL		SOURCE
% of young women (15-24) who used a computer during the last 12 months		-		
% of young women (15-24) who used the internet during the last 12 months		-		

WOMEN'S POLITICAL PARTICIPATION	YEAR	TOTAL		SOURCE
Number of women in parliament (single/ lower house)	2011	59		Inter-Parliamentary Union's global database (http://www.ipu.org/wmn-e/classif.htm) Data as of 31 January 2011
% women in parliament	2011	27,6		
Legislated quotas for women for single/ lower house (yes/no)	2009	Yes		The Quota Project, www.quotaproject.org [accessed in October 2011*]
Quota type	*	Voluntary Pol. Party		
Number of women in ministerial positions	2010	1		DAW/DESA, IPU, Women in Politics: 2010 (reflecting appointments up to 1 January 2010)
% women in ministerial positions	2010	4		

Notes:

On 8-9 February 2011 the Chamber of Deputies and the Chamber of Councillors invested the Acting President with the power to rule Tunisia by decree on key issues. Since then the parliament is not functioning and therefore current information on women's political participation in Tunisia is missing in the Inter-Parliamentary Union's global database (<http://www.ipu.org/wmn-e/classif.htm>)

WOMEN'S ECONOMIC PARTICIPATION	YEAR	TOTAL		SOURCE
Labour force participation rate (%), male 15+	2009	71		ILO, Key Indicators of the Labour Market (KILM), 6th Edition http://kilm.ilo.org Table 1a (ILO estimates), [accessed in June 2011]
Labour force participation rate (%), female 15+	2009	26		
Labour force participation rate (%), male 15-24	2009	43		
Labour force participation rate (%), female 15-24	2009	22		
Total unemployment rate (%), male 15+	2005	13		ILO, KILM, 6th Edition, Table 8a, [accessed in June 2011]
Total unemployment rate (%), female 15+	2005	17		
Youth (15-24) unemployment rate (%), male	2005	31		ILO, KILM, 6th Edition, Table 9, [accessed in June 2011]
Youth (15-24) unemployment rate (%), female	2005	29		

MATERNITY LEAVE	YEAR		SOURCE
Maternity leave duration	2004-2009	1 month (private sector) 2 months (civil servants)	United Nations Statistics Division, http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm#tech , Table 5g, [accessed in June 2011]. Data compiled between 2004-2009.
% of wages paid in covered period	2004-2009	67 % (private sector) 100 % (civil servants)	
Provider of benefit	2004-2009	National Social Security Fund	

Notes:

The UNICEF global databases are available on www.childinfo.org

For indicator definitions and further information on data sources please see "Guide to MENA Gender Profiles"

n/a = not applicable

8. RATIFICATION OF TREATIES

TREATY	YEAR OF SIGNATURE	YEAR OF RATIFICATION, ACCESSION (A), SUCCESSION (S)	RESERVATIONS
Convention on the Political Rights of Women (1953)		1968 (a)	Article IX
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)		1968 (a)	
International Covenant on Economic, Social and Cultural Rights (1966)	1968	1969	
International Covenant on Civil and Political Rights (1966)	1968	1969	
Convention on the Elimination of All Forms of Discrimination against Women (1979)	1980	1985	General declaration: The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution. Reservations: Article 9 (2), 16 (c), (d), (f), (g) and (h), 29 (1), Declaration: Article 15 (4)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)		2008 (a)	
Convention on the Rights of the Child (1989)	1990	1992	Declaration: The Government of the Republic of Tunisia declares that the Preamble to and the provisions of the Convention, in particular article 6, shall not be interpreted in such a way as to impede the application of Tunisian legislation concerning voluntary termination of pregnancy.
Amendment to article 43 (2) of the Convention on the Rights of the Child (1995)	n/a	2001 Acceptance	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	2002	2003	
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2002	2002	
Convention on the Rights of Persons with Disabilities (2006)	2007		

n/a = not applicable

Source: United Nations Treaty Collection, <http://treaties.un.org> [accessed in April 2011]

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