

# Women in Peace & Transition Processes: [Tunisia, 2013-2015]

December 2019

## Tunisia (2013-2015)

### Name of process

Constituent Assembly  
and National Dialogue

### Type of process

Constitution-making  
and political reform

### Modality of women's inclusion:

- Consultations
- Inclusive commission
- Mass mobilization

### Women's influence in the process:

Moderate influence due to:

- + The progressive legislation in Tunisia on women's rights and political participation
- + The influential role and status of individual women
- - The lack of organized and group-specific women's involvement
- - The involvement of relatively few women in general

The role of women in resolving Tunisia's post-"Arab Spring" political crisis, which peaked in 2013, was limited, but not insignificant. Institutionalized influence was very limited: there was no formal inclusion of women's groups in the main negotiations of the 2013/2014 National Dialogue and the influence of organized advocacy was also limited in the pre-negotiation and implementation phases. For example, the women's caucus formed in the Tunisian National Constituent Assembly (Tunisia's Parliament from the end of 2011 to 2014, hereafter NCA) could not prevail over party politics and was not institutionalized. However, individual women played decisive roles in all three phases: one of the four main civil society mediators, who not only facilitated the main negotiations, but also initiated the dialogue process and held consultations to determine the agenda in the pre-negotiation phase, was a woman, (Ouided Bouchamaoui President of the Tunisian Union of Industry, Commerce and Crafts (UTICA), from 2011 to 2018). A small number of women represented political parties in the negotiations of the National Dialogue. And women were active in consultations and commissions concerning the National Dialogue, before, in parallel or after the main negotiation period, for example in the consensus committee of the National Constituent Assembly. Moreover, women (and here also organized women's groups) actively took part in mass mobilization, concerning both women's rights and the political transition in general.

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## I. Background

A French protectorate for 75 years until 1956, Tunisia is the smallest and least populous country in North Africa with 11 million inhabitants. In Tunisia, 99 percent of the population is Sunni Muslim, while others making up the remaining one percent include Christians, Jews, Shia Muslims, and Baha'i.<sup>1</sup> The country's official language is Arabic, but French is still widely spoken, especially in urban areas and as a business language.

The Human Development Report lists Tunisia 96th out of 188 countries and as a country with high human development in 2014. For the years between 2010 and 2014, it was categorized by the World Bank as an upper middle income country and downgraded for 2015 to a lower middle income country.<sup>2</sup> The Tunisian economy was growing steadily in the years before the uprisings, but wealth and prosperity were (and still are) unevenly distributed in the country. While the north and the coastal areas were prospering, the south and center remained marginalized, suffering from high unemployment rates, especially among young people.<sup>3</sup> Tunisia is currently dependent on aid from international financial institutions. Under the rule of former President Zine el-Abidine Ben Ali, who seized power in a bloodless coup in 1987, a substantial share of Tunisia's economy became increasingly controlled by a patronage network centered on the family of Ben Ali and his second wife, Leila Trabelsi.<sup>4</sup>

Given the homogenous religious make-up of Tunisian society, tensions do not occur between different religious groups, but rather between the more religious and the more secular elements of society. This, as well as the economic cleavages, can be traced back to the fight for independence. Two of the leading figures in Tunisia's independence fight, Habib Bourguiba and Salah Ben Youssef, had different visions about how to pursue independence from France. While Ben Youssef had close ties to traditional religious and commercial elites and stood more for traditional Islamic culture,<sup>5</sup> Bourguiba was more inclined toward 'modernist' ideas and favored maintaining close relations with France. Eventually, Bourguiba prevailed in this internal competition and led the country into independence, building a state that emphasized education, gender equality, as well as a nationalization of Islam.<sup>6</sup> However, he also systematically marginalized those regions in the country's interior that had been bases of support for Ben Youssef.<sup>7</sup>

The ramifications of this strategy help to understand the cleavages that led to the uprisings in 2010/11 which have also been important in the transitional period following the uprisings. The tactic of depriving the country's interior regions was not only used by Bourguiba, but also later by Ben Ali.<sup>8</sup> Hence, the early marginalization of the Youssefist regions may have paved the way for the regional economic marginalization still prevailing in the country today. Not only are unemployment rates much higher in the interior regions, these areas have also been deprived of investment in public infrastructure, education and health. Protests thus often originate in the interior before they spread to the coastal areas and the capital, as

happened in December 2010/January 2011 after Mohamed Bouazizi, a street vendor, immolated himself in the central town of Sidi Bouzid.

While Bourguiba and Ben Ali were both centralising, autocratic leaders, Bourguiba earned respect in large segments of society as a leading figure in the struggle for independence and as an 'honest' ruler, who was not interested in personal enrichment.<sup>9</sup> Ben Ali, on the other hand, presided over the development of a predatory quasi 'mafia-state'.<sup>10</sup> Ben Ali and his wider family, the so-called Trabelsi-Clan, mainly consisting of relatives of his second wife Leila Trabelsi, controlled practically all major economic activities in the country. Nepotism and cronyism prevailed, and large parts of the country, mainly in the south and centre, continued to be excluded from prosperity and economic development. Even long-standing supporters of Ben Ali and the ruling party and beneficiaries of the system became alienated by the excessiveness of the clan's behaviour,<sup>11</sup> thus laying the groundwork for the middle class' support for the 2011 uprisings and their spill-over to coastal and urban areas. In January 2011, protests gained institutional support from the Tunisian General Labour Union (*Union Générale Tunisienne du Travail*: UGTT), the only organization with a membership comparable to the former ruling Democratic Constitutional Rally party (*Rassemblement Constitutionnel Démocratique*: RCD). When Ben Ali was not able to maintain the support of the army, which refused to use force against protesters, he and his family fled to Saudi Arabia on 14 January 2011. After the ouster of Ben Ali Tunisia was ruled by a series of interim governments. Directly after the fall of the regime, Mohamed Ghannouchi, who had already been Prime Minister under Ben Ali, led the first interim government. Following protests, after ten days he removed members of the RCD from the government, before he himself eventually stepped down at the end of February 2011. Ghannouchi was succeeded as Prime Minister by Béji Caid Essebsi, a veteran Tunisian politician who had held several Ministerial posts under Bourguiba, who remained in power until December 2011. Applying the 1959 Constitution, Fouad Mebazaa, the President of the Chamber of Deputies, was named interim President after Ben Ali had left the country. He served in this position from January 2011 until December 2011, when the NCA elected Moncef Marzouki as President.

To understand the institutional and legal set-up of the transition, it is also important to take note of the 'High Commission for the Fulfillment of Revolutionary Goals, Political Reform, and Democratic Transition', commonly referred to as 'Ben Achour Commission' after its chair Yadh Ben Achour, as well as a number of decrees. The Commission was initially established on 17 January 2011 by Prime Minister Mohamed Ghannouchi as the 'Higher Political Reform Commission', but expanded its mandate after Ghannouchi's resignation. It then took over "responsibilities of transitional governance beyond just political reform"<sup>12</sup> and suspended the old constitution of 1959 with a decree law regulating the provisional organization of public authority.<sup>13</sup> The Ben Achour Commission had more than 150 members, not only from among political parties, but also scholars, former government officials and representatives of the labor union.<sup>14</sup> The consensus-building process within the Commission was strenuous, but eventually successful. Parties, in particular Ennahda, repeatedly

pulled out of the Commission, because they did not feel that it was representative. Ben Achour “went running after” them and agreements were easier to reach in face-to-face interactions than in the spotlight they usually found themselves in during the transitional period.<sup>15</sup>

Subsequently, an Independent High Authority for Elections (Instance Supérieure Indépendante pour les Élections: ISIE) was established by decree in April 2011,<sup>16</sup> followed by a decree regulating the establishment of and elections for a National Constituent Assembly in May 2011,<sup>17</sup> and shortly afterwards by another decree limiting the envisaged drafting period for the constitution to one year.<sup>18</sup> The latter also set the election date for 24 July 2011, which was later postponed to October due to “logistical hurdles”.<sup>19</sup> In September 2011 Tunisia’s leading political parties (the eleven parties participating in the Ben Achour Commission and Ennahda)<sup>20</sup> signed an agreement reaffirming the commitment to a drafting period of no more than one year.<sup>21</sup> This limited drafting period (fixed by decree and confirmed by the parties) is important, because it later allowed the opposition to challenge the NCA’s legitimacy after it exceeded the envisaged timeframe.

Next to its constitutional mandate, the NCA also served as Tunisia’s legislative body until it was replaced with the Assembly of the Representatives of the People (ARP) after the elections in October 2014. The Assembly consisted of 217 deputies, representing 19 parties and 16 independent lists. Six permanent constitutional commissions, consisting of 22 deputies each, were responsible for drafting articles for different chapters of the constitution. NCA members were only allowed to serve in one constitutional commission, but could still be part of legislative commissions (such as the general legislation commission or finance commission) or specialized commissions (such as the security and defense commission).<sup>22</sup> The legislative tasks the Assembly had to fulfill in addition to its constitutional mandate were substantial, for example determining the state’s annual budget, and thus partly responsible for delaying the drafting process.

In December 2011, the newly elected NCA passed a law sometimes known as ‘the small constitution’,<sup>23</sup> which provided for constituent and legislative powers of the NCA as well as the powers of the presidency, the judiciary and the government. After the 2011 elections, the so-called ‘Troika government’ was formed, a coalition of the Islamist party, Ennahda (Renaissance Party), and two smaller secular parties, Ettakatol (Democratic Forum for Labour and Liberties) and the Congress for the Republic (*Congrès pour la République*: CPR). Ennahda was the strongest party in the NCA and also clearly dominated the coalition. The Prime Minister (and therefore the Head of Government) was a representative of Ennahda, the President of the Republic from the CPR, and the President of the National Constituent Assembly was from Ettakatol.

Tunisia has traditionally been progressive on women’s rights, especially in comparison to other Arab States. One important example is the Code of Personal Status,

promulgated in 1956. The Code “abolishes polygamy; requires mutual consent before marriage; entitles women to start divorce proceedings and to enjoy an equal division of goods after divorce; forbids husbands from unilaterally ending their marriages; and raises the minimum marriage age for girls.”<sup>24</sup> However, few women have actually obtained positions of power in state institutions and other organizations important in Tunisia’s political configuration, such as the Tunisian General Labour Union.<sup>25</sup>

After Ennahda became the strongest party in the NCA and the leading party of the governing coalition, women were afraid that under Islamist leadership they would lose the rights and protections they had under the Code of Personal Status. The first draft of the new constitution was released in August 2012. This draft contained an article (Article 28) drafted by the NCA’s committee on rights and liberties headed by Ennahda’s Farida Labidi,<sup>26</sup> that would have defined women not as equal to men, but as ‘complementary’,<sup>27</sup> who would contribute to ‘building the nation’ as ‘true partners’ to men.<sup>28</sup> The proposed article was supported by twelve out of 22 committee members, among them nine representatives of Ennahda.<sup>29</sup> This sparked outrage because the article implied women were not to be given rights equal to men, and their status was to be defined in relation to men.<sup>30</sup> Draft Article 28 is often quoted as proof for a potential “hidden radical agenda”<sup>31</sup> of Ennahda, though Ennahda had made several statements that it would not try to overturn the Code of Personal Status.<sup>32,33</sup> Article 28 was not only one of the most controversial in the first draft of the new constitution; its inclusion also increased skepticism of Ennahda’s intentions and approach to power and widened the cleavage between the secularist and Islamist segments of society. Following public protests, Article 28 as well as the term ‘complementary’ were omitted from the second draft of the constitution, which was published in December 2012, as well as all from all future versions.<sup>34</sup>

Many of the secularist actors important in the transitional political struggles, for example the party Nidaa Tounes (Call for Tunisia) founded in 2012 under the leadership of Béji Caid Essebsi,<sup>35</sup> see themselves in a Bourguibist tradition, while Islamist political forces such as Ennahda, a moderate Islamist party, which was prohibited under Ben Ali, are mainly supported in the marginalized regions in the interior. These historical grievances may have led to hardened positions in the transitional political processes. The unabating dispute over the new constitution between secularists and religious hardliners, as well as extremist attacks on secularist gatherings and symbols of Western influence, contributed to a worsening political climate.<sup>36</sup>

In summer 2013, political polarization was at a peak, and public protests had reached a level not seen since the ouster of the Ben Ali regime. The constitution-drafting process had been deadlocked since approximately 60 members of the National Constituent Assembly began protesting against the ruling coalition with sit-ins in front of the NCA’s seat in Bardo (Tunis), demanding the resignation of the government, known as ‘Errahil’ (Departure) sit-ins. As a result the NCA’s work was suspended by the President of the Assembly. This meant that the government could no longer ignore protests and growing tensions, since retreating to legislative work was no longer an option. After the assassination in July 2013 of two opposition politicians,

Chokri Belaid and Mohamed Brahmi,<sup>37</sup> from the Popular Front (an association of twelve opposition parties from the far left), the country was on the brink of civil war.<sup>38</sup> Four civil society organisations – the largest trade union in the country, the Tunisian General Labour Union (*Union Générale Tunisienne du Travail*: UGTT), the employers association, the Tunisian Union of Industry, Commerce and Crafts (Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat: UTICA), the lawyers' association, the National Lawyers' Order of Tunisia (*L'Ordre National des Avocats de Tunisie*) and the Tunisian Human Rights League (*Ligue Tunisienne des Droits de l'Homme*: LTDH), a longstanding human rights organization, initiated a high level multi-stakeholder negotiation format, which they called a National Dialogue, with the aim of preventing further unrest and to bring the constitution-making process to a successful conclusion. The leaders of the four organizations would serve as mediators in the Dialogue.

This initiative was preceded by a series of (unsuccessful) attempts at dialogue.<sup>39</sup> It was the first one initiated by the four organizations together, and the broad membership base of the four organizations lent additional legitimacy to the dialogue initiative.<sup>40</sup> However, before the start of the dialogue process, it was necessary to convince the relevant political actors to participate. The opposition demanded that the government resign before the start of the dialogue, a demand which the government rejected. Here, two narratives of justification clashed: while the government was insisting on its electoral legitimacy, the opposition denied this legitimacy, since the foreseen one-year drafting period had expired. Instead, it drew on popular or 'street' legitimacy, referring to public protests and unrest. After consultations with the political actors, the mediating organizations proposed a roadmap for the dialogue process. To balance these two legitimacy claims, only parties represented in the NCA (elected parties, but also those who were represented through defections) should participate, however, with the same number of participants (two each) irrespective of their level of representation in Parliament. Moreover, the roadmap determined that the government would step down eventually and a government of technocrats would lead the country until the next elections, but the former would not resign before the start of the National Dialogue. Insisting on electoral legitimacy, the CPR did not agree with the precondition that the government would resign and decided not to take part in the dialogue process.

Women's issues served as a backdrop to the general political climate. Though Article 28 had already been dropped by Ennahda, the controversy surrounding it had left a legacy of mistrust and deepened cleavages between the Islamist and the secularist 'camps'. This climate of mistrust and hardened fronts between the camps needed to be overcome to bring the constitution-making process back on track and prevent violent unrest.

The National Dialogue lasted from 2013-2014 and contributed to fostering mutual trust between the different actors, since the relatively small format allowed the delegates of the different factions to get to know each other better. The National Dialogue resolved controversial issues in the constitution-making process and

revived the stalled NCA process. The National Dialogue thus laid the groundwork for a successful conclusion of the constitutional process. The consensus committee in the NCA, which was established before the National Dialogue was initiated but also ran in parallel to the Dialogue, was responsible for working out the technical details for agreements reached in the Dialogue to be transferred into legislation.

The National Dialogue was also mandated with preparing a new electoral law and appointing members of the new Independent High Authority for Elections, paving the way for free and fair elections in late 2014 and a peaceful handover of power to a new government led by the secular party Nidaa Tounes. Nidaa Tounes then included Ennahda in its 'national unity government' reaching across the ideological divide. At first, Ennahda received only one symbolic ministerial portfolio, but the number increased to three portfolios after the appointment of a new cabinet in August 2016.

However, Tunisia is still under enormous economic pressure, especially since two major terrorist attacks in 2015, which deliberately targeted tourists, brought a substantial part of tourism to a halt. The critical economic situation (and the government's inability to provide quick remedy) has continued to fuel protest and public unrest.

There are formal measures in Tunisia's electoral legislation that should ensure the representation of women. While legislative candidate lists require alternation of gender, it is not required that women occupy the first place on a list. Since there were not many lists led by women, women won 31 percent of parliamentary seats in the 2014 elections. Women's representation in parliamentary leadership positions does not correspond to their overall representation: the second Vice President of the Assembly is a woman, as well as two out of ten assessors to the President of the Assembly. Only one out of nine permanent parliamentary commissions is led by a woman and three out of seven special commissions. Moreover, only one out of seven parliamentary blocs is presided over by a woman (Afek Tounes).<sup>41</sup>

## Actors Involved in the Process

The National Dialogue was facilitated by the Tunisian General Labour Union, the Tunisian Union of Industry, Commerce and Crafts, the Tunisian Human Rights League, and the the National Lawyers' Order of Tunisia. Besides these civil society organizations, only political parties represented in the National Constituent Assembly were allowed to participate in the negotiations.

From among the government coalition, Ennahda and Ettakatol took part in the National Dialogue. The opposition was represented by 19 opposition parties and dominated by Nidaa Tounes. Even though Nidaa Tounes was only founded in 2012 (after the elections to the NCA) it was nevertheless represented in the NCA through defections from other parties. Nidaa Tounes was founded as a secular counterweight to Ennahda, and did not only gather members close to the old Ben Ali regime, but also other prominent secular figures that were not related to the regime. In addition

there were several smaller parties from across the (mostly secular) political spectrum, from the leftist Popular Front to Afek Tounes at the liberal center. Since each party received only one vote and could send two delegates, the government had only two votes and four delegates, while the opposition had 19 votes and 38 delegates. However, de facto no important decision was taken without the consent of Ennahda, thus, partially balancing the unequal distribution of votes and delegates between the government and the opposition.

## Women Involved in the Process

There were few women involved in the National Dialogue process itself. One of the four mediators was a woman: Ouided Bouchamaoui, the leader of UTICA. From among the party delegates, there was little participation of women in the negotiations. According to Bouchamaoui, only three or four women participated in the negotiations.<sup>42</sup> Among them were opposition politicians Rym Mahjoub from the liberal party Afek Tounes, as well as Maya Jribi from the center-left Al-Joumhouri. Jribi was part of the “commission for the governmental process”,<sup>43</sup> which was tasked with collecting suggestions on the new Prime Minister before they were discussed in the plenary of the National Dialogue.

While women MPs were part of the Errahil sit-ins, women also organised a march to Bardo in support of the sit-ins on the National Day of Women on 13 August 2013.<sup>44</sup> The march was initiated by a collective of associations and political parties called “Hayer Tounes” (Free Women of Tunisia), which was comprised of the UGTT, the National Union of the Tunisian Woman (*L'Union Nationale de la Femme Tunisienne*: UNFT), the Tunisian Association of Democratic Women (*Association Tunisienne des Femmes Démocrates*: ATFD), the Association of Tunisian women for research on development (*L'Association des femmes tunisiennes pour la recherche sur le développement*: AFTURD), the Collective for Tunisian women, LTDH, the Democratic Alliance, the Popular Front and Nidaa Tounes.<sup>45</sup> In announcing the march from the organizers' side, the media quote Rhadia Jerbia and Wissal Jaidi of the UNFT,<sup>46</sup> but Nadia Akari from the blog Nawaat identifies several other prominent Tunisian women participating in the march, such as Besma Khalfaoui Belaid and Mbarka Brahmi (the widows of the assassinated politicians Chokri Belaid and Mohamed Brahmi), ATFD president Ahlem Belhadj, as well as prominent male supporters, such as Popular Front leader Hamma Hammami.<sup>47</sup>

## Modalities of Inclusion of Women's Groups<sup>48</sup>

Tunisian women were included in four modalities:

1. Women were directly represented at the negotiation table;
2. women participated in consultations;
3. women were part of the consensus committee in the National Constituent Assembly; and
4. women played a role in mass mobilization.



Of these four modalities, organized women's groups only played a role in mass mobilizations and in the NCA with the formation of a (non-formal) women's caucus. Individual women were included at the negotiation table and in consultations in their function as representatives of parties or organizations, but none of them was a specific women's group.

### **1 | Direct representation at the negotiation table**

There was no formal inclusion of women's groups in the main negotiations of the National Dialogue. Only delegates of parties represented in the NCA were allowed to participate in the negotiations and none of those was a dedicated women's party, but women participated as representatives of several parties. Each party could send two representatives to the National Dialogue and, among the over 42 party representatives, only three or four were women.<sup>49</sup>

The situation is similar for the mediators of the Dialogue: none of the four civil society organizations was an organization specifically concerned with women's rights or participation. Among the four main mediators, the only woman was the representative of UTICA, Ouided Bouchamaoui.

### **2 | Consultations**

Four different types of consultations can be identified during the National Dialogue process in Tunisia. Political parties were consulted in the pre-negotiation phase by mediators from the quartet of civil society organizations in order to establish the "roadmap" of steps to get the negotiated transition back on track. Regarding consultations initiated by the mediators in the pre-negotiation phase (A), only political parties were consulted. Again, none of the parties was women-specific. During the main negotiation phase, the National Dialogue consulted with the National Constituent Assembly. One woman (Salma Mabrouk; Al Massar, formerly Ettakatol) was part of the liaison committee of the National Dialogue and the National Constituent Assembly. There was a women's caucus in the NCA, an informal association across different parties. However, its influence was limited and there was no direct consultation between the caucus and the National Dialogue, but the caucus may have helped to shape positions of individual women MPs.

### **3 | Inclusive commissions**

The consensus committee of Tunisia's National Constituent Assembly was initiated as an ad hoc body in July 2013 and presided over by the President of the National Constituent Assembly, Mustapha Ben Jafaar (Ettakatol) in order to overcome blockages concerning contested issues in the constitution-drafting process. In addition to Ben Jafaar, it included 22 members from among the MPs in the NCA. Eight of them were women, coming from different parties and parliamentary blocks (two from Ennahda, two from CPR, two from the Democratic Block, one from Ettakatol and one independent).<sup>50</sup> Compared to the NCA as a whole and to its permanent

constitutional commissions, the majority situation within the consensus committee was slightly changed in favor of the opposition, since the Troika parties did not have the majority of seats. Thus, it offered a new dynamic in a deadlocked situation.

Given that women only held 24 percent of the seats in the NCA and were not well-represented in leadership roles (e.g. only four out of 21 committees were chaired by women),<sup>51</sup> the representation of women in the consensus committee is disproportionately high at approximately 36 percent. This is noteworthy because the consensus committee occupied an important role in the successful finalization of the constitution, independent of, and in relation to, the National Dialogue. First, to uphold democratic procedures, all decisions taken within the National Dialogue needed to be transformed into legislation by the NCA. While the National Dialogue found agreements on general directions of how to solve controversial issues, the consensus committee worked out technical details and did the actual drafting of constitutional paragraphs. Amendments of the NCA's rules of procedure also established that "amendments [of the constitutional draft] emanating from the Consensus Commission shall be binding for all political blocs."<sup>52</sup> Second, since the consensus committee had already worked together before the start of the Dialogue and was experienced in political "role-playing",<sup>53</sup> its members were already familiar with strategies of the other factions and had started to establish some trust in each other. This facilitated their work in the tense situation at the time of the National Dialogue. The consensus committee was perceived as such a successful institution that it was made a permanent part of the Tunisian Parliament.

#### 4 | Mass mobilization

Besides the general involvement of women in the Errahil sit-ins as well as public protests, there was a women's march towards Bardo organized on National Women's Day (2013), which is a national holiday on the 13th of August, the anniversary of the promulgation of the Code of Personal Status.<sup>54</sup> This is part of a tradition of women mobilizing on National Women's Day to protest for their rights and interests. In 2012, this anniversary coincided with the release of the first draft of the new Tunisian constitution, which included the controversial Article 28. About 7000 Tunisians, mostly "upper class, unveiled women",<sup>55</sup> supported by a few men, went to protest against the article in downtown Tunis, after evening prayers. Sections of the mobilizing women were affiliated with women's organizations such as the Tunisian Association of Democratic Women (*Association Tunisienne des Femmes Démocrates*: ATFD) and the Association of Tunisian Women for Research on Development (*L'Association des femmes tunisiennes pour la recherche sur le développement*: AFTURD), but also independent women went to street.<sup>56</sup>

Holding signs with slogans such as "Rise up women for your rights to be enshrined in the constitution",<sup>57</sup> demanding equal rights to men and criticizing the heteronormativity and ideal-type of married women implied in the definition of women as 'complementarity' to men, mobilizations against the draft of the constitution were framed in terms of equality and citizenship rights.<sup>58</sup> Although

activists worked together with international organizations, such as UN Women, international norms rarely served as reference framework in public debates for the inclusion of gender equality in the constitution. Rather, claims referred to “national citizenship rights and national identity.”<sup>59</sup>

Women’s mass action influenced the way in which gender was addressed in the constitution: the paragraph included in the first draft of the constitution that would have defined women as ‘complementary’ to men was not included in the final text. Following public protests, Article 28 as well as the term ‘complementary’ were omitted from the second draft of the constitution (published in December 2012) as well as all from all future versions.<sup>60</sup> The article addressing women’s rights in the final version of the constitution (Article 46) does not define women and their rights in relation to men, but in their own right. It also refers to equal opportunities, strife for parity in elected bodies, and the eradication of violence against women.<sup>61</sup>

## II. Analysis of Women’s Influence: Enabling and Constraining Factors

In general, women’s influence was more dependent on their personal role and position within the power configuration of Tunisian politics in general, and the Dialogue in particular, than on women-specific organized advocacy. Thus, women as a group were not specifically enabled in the process, but individual women had influential roles in the pre-negotiation and the main negotiation period, as well as during implementation. While in theory, the Tunisian Code of Personal Status is quite progressive and thus enabling for women, in practice women’s influence is constrained by the fact that they rarely hold positions of power in Tunisian politics.

The following section distinguishes between several process and context factors that either enabled or constrained the influence of women’s groups in the Tunisia case.

### Process Factors

#### 1 | Coalition Building

Coalition building was a tool used by women, albeit with limited impact. On the one hand, women built coalitions in the context of mass mobilization. Several women’s groups in cooperation with other civil society organizations and parties organized a march toward Bardo (the location of the NCA) on the National Day of Women in support of the anti-government protests and Errahil sit-ins.

On the other hand, on an institutional level an informal women’s caucus was formed within the NCA. According to Lobna Jeribi (Ettakatol), one of the caucus’s initiators, the women’s caucus was a useful tool for informal exchange among women. It allowed women to coordinate their interests, e.g. their positions with regard to the

constitution's article on women's rights, Article 46, and voice them towards their male colleagues.<sup>62</sup>

However, she also acknowledged that women's coalition building was not sustainable, since those advocating for it did not manage to establish the caucus as a more permanent institution in Parliament. This is in line with the findings of the National Democratic Institute that also sees the failure to institutionalize the women's caucus as a missed opportunity, mainly due to women's preference to identify with their party affiliations than to network with other women.<sup>63</sup> Here, the lack of interest in coalition building among the women in the NCA can be seen as a constraining factor.

## **2 | Transfer, Communication, and Advocacy Strategies**

In the pre-negotiation phase, women were successful in advocating against the proposed Article 28 of the first draft of the new constitution that would have defined women as complementary, and not as equal, to men. Following public protests and a march organized for the National Day of Women 2012, the article was no longer included in subsequent drafts of the constitution and the committee on rights and liberties of the NCA, which had previously drafted the article "found a common ground in the principle of equality".<sup>64</sup> Here, public mobilization was an important modality and an enabling advocacy strategy. Several organizations spoke out for women's rights and against Article 28, among them women-specific organizations, such as AFTURD and ATFD, but also the LTDH and Al Bawsala, an organization committed to fostering democracy and civil society.<sup>65</sup>

There were also social media efforts to advocate against the article, notably by NCA member Selma Mabrouk (elected for Ettakatol, defected to Al Massar), who not only leaked content on Facebook prior to the official release of the draft, but also launched an online petition, which acquired over 30,000 signatures. The hashtag #complementarité (French for complementarity) trended among Tunisian Twitter users, treating the issue with sarcasm and Tunisian cartoonist Nadia Khiari (known as "Willis from Tunis") created satirical drawings about the matter, which were disseminated online.<sup>66</sup>

## **3 | Attitudes of Conflict Parties and Mediators**

The format of the National Dialogue, developed based on attitudes of the conflict parties and mediators that favored the participation of political parties only, was a constraining factor for women in a group-based logic, since women's groups (like all other civil society organizations except the four mediating ones) were excluded from participation.

Individual women, could still participate as delegates for their respective parties (see context factors for constraints) or as representatives of the mediating organizations. However, very few women were nominated to represent their party or organization. There was only one woman among the mediators and Ouided Bouchamaoui, the

leader of UTICA, emphasized that she was first and foremost the representative of her organization, when asked about her own role in the negotiations in the context of women's roles.<sup>67</sup>

## Context Factors

### 1 | Constraining Elite Resistance

During all phases, but especially in the main negotiation phase, influence was dependent on personal positions within the power configurations of Tunisian politics or of the different parties. Thus, those male elites that occupied positions of power, and thus claimed influential positions at the negotiation table, were constraining factors for women to participate and exert their influence. The gender dimension here is rather implicit, since women are not excluded explicitly because they are women, but because women rarely occupy powerful positions in Tunisian politics.

### 2 | Heterogeneity of Women's Identities

As the National Democratic Institute found in its Gender Assessment of the NCA,<sup>68</sup> the women's caucus failed, because women identified more with their parties than with other women. Hence, heterogeneity of women's identities constrained better coordination amongst (and potentially more influence for) women.

### 3 | Attitudes and Expectations Surrounding Societal Gender Roles

As explained above, societal gender roles in Tunisia have, on paper, been relatively progressive for a long period. This enabled women in the pre-negotiation phase to protest against Article 28. It also steered the focus of discussion on the issue, leading to greater vigilance *vis-à-vis* Ennahda.

Gender roles in politics, however, look different in practice than on paper, since women rarely occupy powerful positions in the country. This practice therefore constrained women in their influence, since leadership positions (e.g. in parliamentary commission or in the parties themselves) are almost entirely dominated by men.

### III. Conclusion

In the Tunisian National Dialogue (and the resolution of the 2013 political crisis), group-based participation of women was limited. One important constraining factor was the format of the negotiations (determined by attitudes of conflict parties and mediators), which only allowed participation for parties represented in Parliament. Civil society was only present as mediators and the Quartet of civil society organizations that initiated the Dialogue did not include a women's organization. The attempt to establish a women's caucus in the NCA, which could have been important, not only in the pre-negotiation and main negotiation phase, but also during implementation, failed. Though this forum initially enabled women to better build coalitions around women-specific issues and to coordinate with each other, the decisive constraining factor was the heterogeneity of women's identities and political positions.

However, individual women contributed to the negotiations in their roles as mediator or delegate of one of the participating parties. Here, the constraining factors are mainly related to longstanding gendered power structures in the Tunisian political landscape, in which women seldom occupy positions of power. Thus, constraining factors are not related to societal gender roles per se, which are rather progressive, but more to static configurations and common practices in the political field.

Since the last restructuring of the government, there have been eight women in a government of forty ministers and state secretaries. Though women are still highly underrepresented, their representation has almost tripled compared to the three women in the previous government, and their role and influence in the Assemblée des représentants du peuple have increased. Whether this enables them to create better structures to sustainably increase the participation of women in government and leadership roles, remains to be seen.

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The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains.  
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## Women in Peace and Transition Processes

Case studies in this series are based on findings of the “Broadening Participation in Political Negotiations and Implementation” research project (2011–2017), a multi-year comparative research project led by Dr. Thania Paffenholz at the Graduate Institute of International and Development Studies, Geneva. The Broadening Participation project examines how and under which conditions various actors participate in and influence peace and political transition processes. The project’s dataset so far comprises 40 mainly qualitative case studies of negotiation and implementation processes, which took place between 1989 and 2014, covering 34 countries. These cases are categorized according to a range of groups of included actors and a framework of seven inclusion modalities developed by Dr. Thania Paffenholz. Among the case studies examined in the framework of this project, 28 included measurable involvement of women. In this context, women were defined as relatively organized groups, including delegations of women, women’s civil society organizations, coalitions or networks, which sought inclusion in peace negotiations and the implementation of agreements. The project did not investigate the role of women as mediators. For more information, see: [www.inclusivepeace.org](http://www.inclusivepeace.org).

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The Inclusive Peace & Transition Initiative (IPTI) is dedicated to evidence-based research and its transfer to policy and practice. The objective of the initiative is to support sustainable peace by providing expertise and information on the inclusion of diverse actors in peace and transition processes. This expertise is drawn from a collection of research projects that have been conducted for nearly a decade at the Graduate Institute of International and Development Studies in Geneva under the lead of Dr. Thania Paffenholz.

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