



2021 Regional Index on Violence against Women and Girls (VAWG)

National Report - Tunisia

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Acronyms

CEDAW Women	Convention on the Elimination of All Forms of Discrimination Against Women
CSOs	Civil Society Organisations
MoE	Ministry of Education
MoH	Ministry of Health
Mol	Ministry of Interior
MoSA	Ministry of Social Affairs
MoWFCS	Ministry of Women, Family, Childhood and Seniors
RCSO	Regional Civil Society Observatory on VAWG
UfM	Union for Mediterranean
VAWG	Violence Against Women and Girls

Introduction

The purpose of this report is to analyse the outcomes of the 2021 Regional Index on Violence Against Women and Girls (VAWG) for Tunisia. The report presents the position of the State on the international women’s rights covenants, and its commitment to implement them through the alignment of the Constitution and national laws to these covenants. Furthermore, the report presents the measures and the services on the ground that ensure the appropriate enforcement of these laws. It also provides recommendations to improve the protection of women from VAWG.

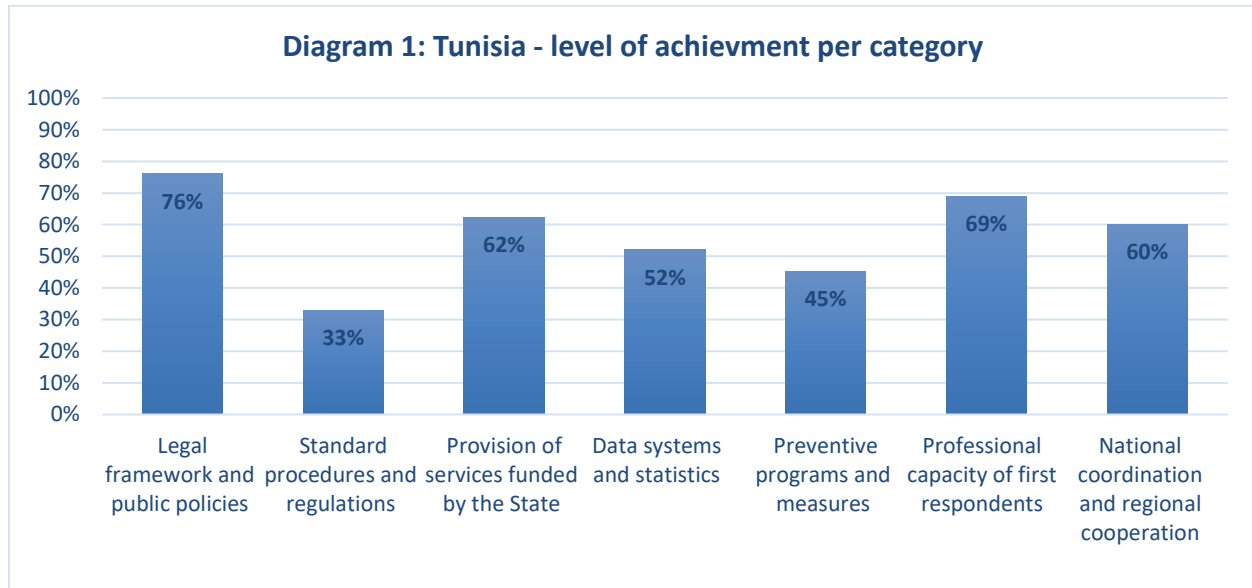
Tunisia achieved a score of 58.6 points out of 100 points in the 2021 Regional Index on VAWG. Tunisia ratified all articles of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, the country maintains a declaration to article 2.

Tunisia has a substantial legal arsenal to protect the rights of women and girls. In the past few years, the country has made significant progress in combating VAWG. In 2014, Tunisia adopted a new Constitution widely considered the most progressive in the Arab world, as it stipulates that all citizens are equal before the law. However, while the Constitution is generally committed to “protecting the acquired rights of women and working on strengthening and developing these rights”, these enshrined principles were not immediately translated into legislative measures. In 2017, a comprehensive law on eliminating violence against women was enacted. Before its adoption, there was no specific law to address VAWG in Tunisia. Despite the possibility of prosecuting VAWG under the penal code, the relevant laws were not suited to the complexity of VAWG. The comprehensive law contains multiple facets such as: prevention, protection, provision of support to victims, criminalisation of perpetrators as well as coordination between State actors and ministries to refer cases of violence.

The Ministry of Women, Family, Childhood and Seniors (MoWFCS) made hotlines accessible to victims. The government also established national bodies and shelters to protect women and girls from violence: creation of official reporting channels, e.g., the police, court administrations and the green hotline of MoWFCS.

Score Analysis

This section provides analysis of the scores under each category. The scores achieved for each indicator in relation to the weights assigned are shown in the diagrams. The section also highlights the main gaps and provides recommendations to tackle these gaps and improve the prevention and protection of women from VAWG as well as panelising adequately the perpetrators. The Index methodology is available on the website of Regional Civil Society Observatory on VAWG (RCSO) at [Methodology of 2021 Regional Index on VAWG](#).



Tunisia - Final Index Score 58.6 points out of 100

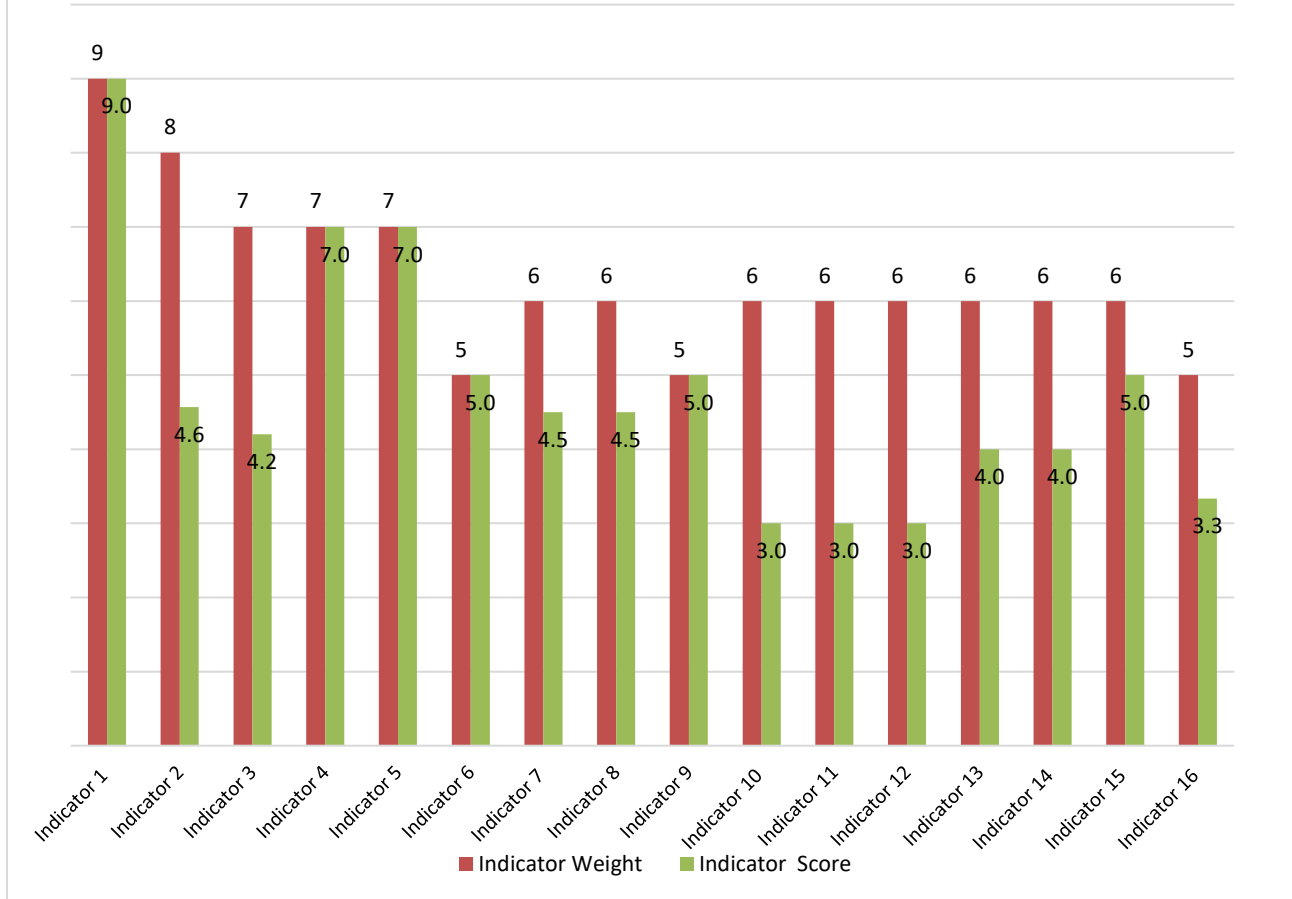
Legal Framework and Public Policies

The category of legal framework and public policies got the highest level of achievement reaching to 76%.

The category examines the legal framework and public policies on women's rights, and its conformity with international standards, in particular CEDAW. It addresses laws specifically designed to combat VAWG, where such laws exist. It also concerns public policies and national strategies to combat VAWG. 16 indicators and 88 sub-indicators are included under this category.

The diagram below shows the weight and the score achieved for the indicators under this category.

Diagram 2: Legal framework and public policies



Indicator 1: Ratification of all articles CEDAW

Indicator 2: Alignment of the Constitution with all international legal obligations pertaining to women's rights

Indicator 3: Compliance of laws with all international legal obligations pertaining women's rights

Indicator 4: Existence of specific law/s that address specific form or type of VAWG

Indicator 5: Existence of comprehensive law criminalising all forms of VAWG

Indicator 6: The definition of VAWG in legislation is in line with the UN resolutions on women rights

Indicator 7: Existence of parliamentary oversight role on the implementation of laws pertaining to VAWG

Indicator 8: The laws provide support to all victims of VAWG including legal aid

Indicator 9: The laws ensure the right of women to sexual and reproductive health and freedom on their own bodies

Indicator 10: The existing laws, including family laws, whether civil, customary or religious, protect women and girls from partners, male relatives, and current and ex-spouses who cause VAWG

Indicator 11: Existence of legal framework that offers women legal protection from marital rape

Indicator 12: Existence of legal framework offers women legal protection from harassment in the public space and work place

Indicator 13: Existing laws, in the absence of comprehensive law on VAWG, criminalise honour crimes and prohibit harmful practices such as FGM, early marriage

Indicator 14: The laws ensure the punishment of rapist regardless of the acceptance to marry his victim

Indicator 15: There is a national strategy for preventing and combating VAWG with adequate resources, budget, and monitoring and evaluation plan

Indicator 16: The national health policies address VAWG.

Tunisia ratified all articles of CEDAW. However, the government declared that any organisational or legislative decision in conformity with the requirements of this Convention will not be taken in case of conflict with the provisions of Chapter I of the Constitution.

The indicator 2 concerning the alignment of Constitution with international agreements got 4.6 out of 8 points. The Constitution prohibits discrimination based on sex or gender. It also includes specific provisions on women's rights and gender equality. It guarantees women's representation in elected bodies (article 34), equal opportunities between women and men to have access to all levels of responsibility in all domains, parity between them in the elected assemblies (article 46) and gender equality between male and female citizens (article 21).

The comprehensive law on eliminating violence against women brought a specific definition of VAWG that encompasses any harm to women, whether physical, psychological, sexual, or economic. The indicator 5 scored 7 out of 7 points. Moreover, it provided the legal framework for women victims to claim their rights and ensure maximum penalties to the perpetrators. Under the law, the State is not merely responsible for penalising those who have carried out violence against women but is also responsible for the prevention of violence and for the protection of victims.

Concerning the national laws, indicator 3 scored 4.2 out of 7 points. Although Tunisia is considered as the most progressive country in the South-Mediterranean region in terms of women rights, there are several legal provisions that are not in line with international obligations. The law on eliminating violence against women criminalises sexual violence regardless of the perpetrator and his relationship to the victim, but it does not explicitly criminalise marital rape. Also, article 231 of the penal code criminalises prostituted women, but the law does not provide them with protection against violence and exploitation they are subjected to. As for the right to work, the labour law includes legal restrictions on women's employment in undertaking night work, mining, and scrap metal work.

Some forms of VAWG are criminalised under various laws. As such, rape, and female genital mutilation, sexual harassment in public, whether committed in public, private, or the workplace are criminalised under the penal code. Polygamy is likewise criminalised under the personal status act.

There is no national health policy that addresses VAWG. However, the law on eliminating violence against women requires ministries to provide special units for women victims of violence as well as health and psychosocial services.

Gaps:

- Marital rape is not clearly and explicitly criminalised.

- Lack of a clear budget allocation in the law on the elimination of violence against women to ensure the law's implementation.
- Maintenance of certain legal exceptions wherein judges can allow child marriage.
- The labour law does not criminalise sexual harassment at work and includes legal restrictions on women's employment in undertaking night work, and scrap metal work.

Recommendations:

- Adopt comprehensive definition of VAWG that includes definition of marital rape.
- Criminalise marital rape explicitly.
- Allocate budget for the implementation of the law on eliminating violence against women.
- Remove the judges' discretionary power that authorises child marriages.
- Criminalise harassment in the workplace under labour law and the remove the restrictions on certain jobs for women.

Standard Procedures and Guidelines

The category of standard procedures and guidelines got the lowest score (33%).

The category deals with police and judicial procedures put in place, whether in terms of the opportunities for victims to report offences or the obligation to inform the authorities of such offences by persons who are aware of them; legal aid or the existence of a guide for professionals, in order to unify and simplify procedures. This category consists of 13 indicators and 54 sub-indicators.

The diagrams below show the weights and the scores achieved for the indicators under the category of standard procedures and guidelines.

Diagram 3: Standard procedures and regulations
Justice

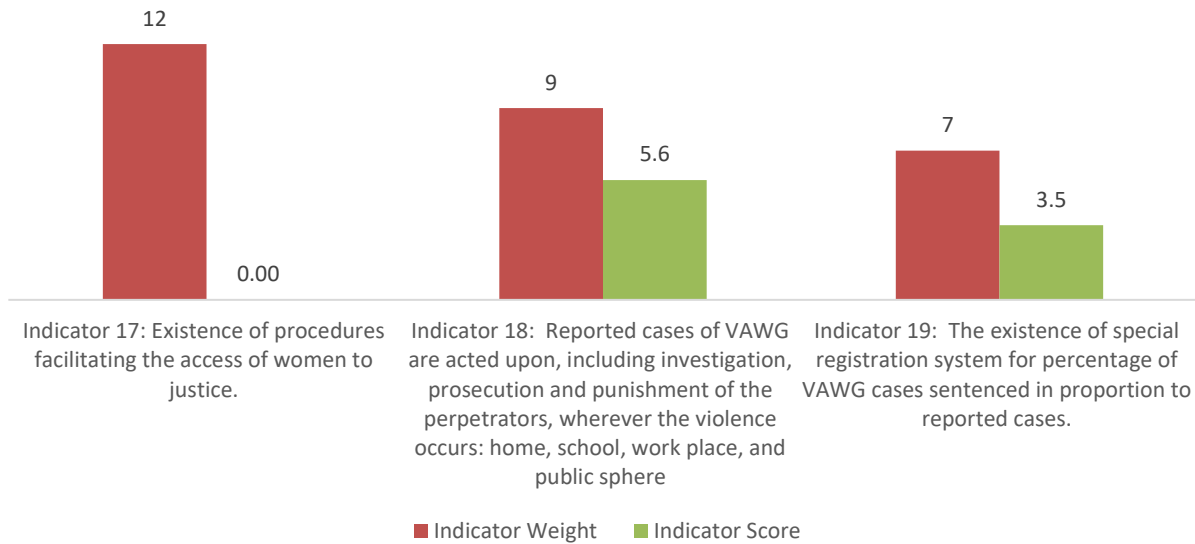
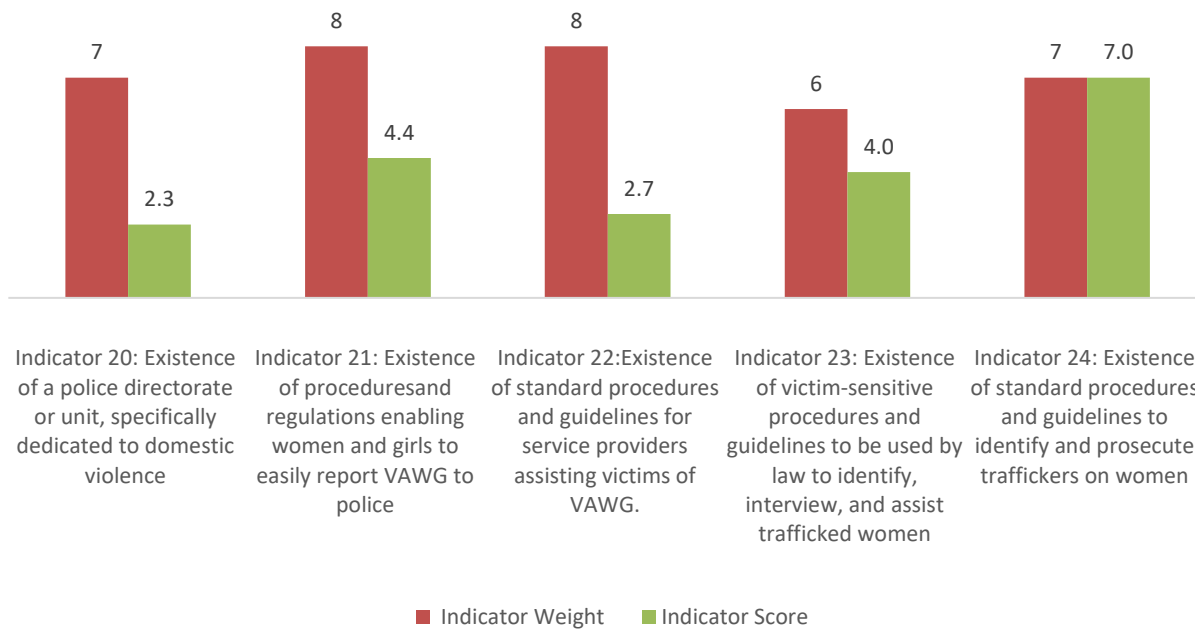
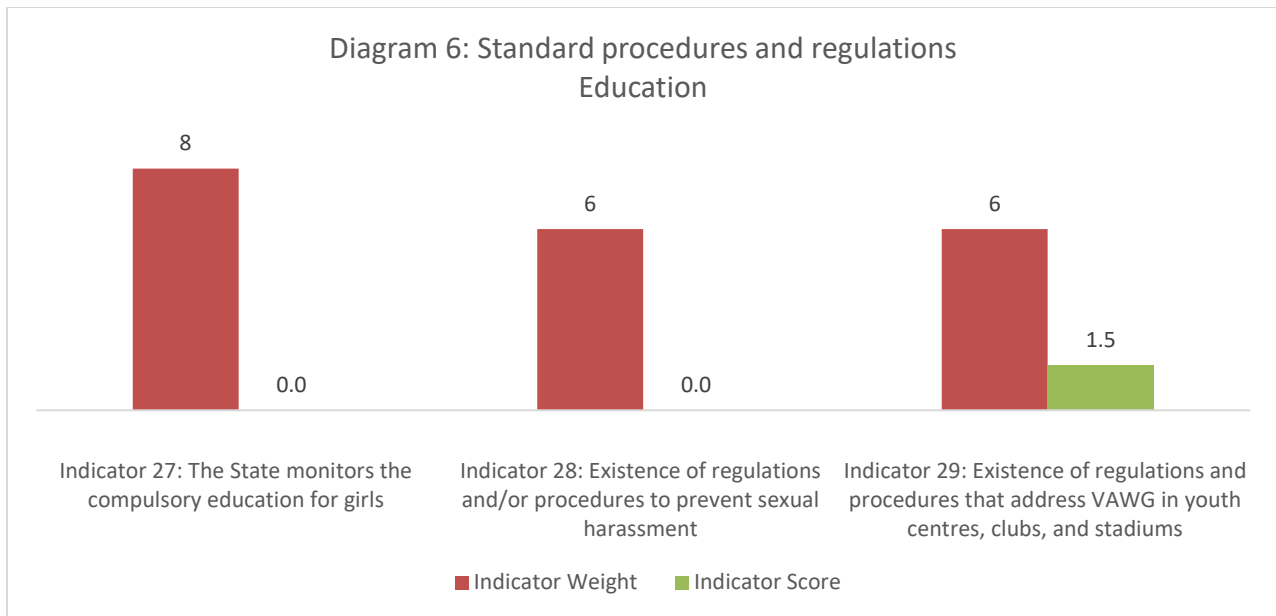
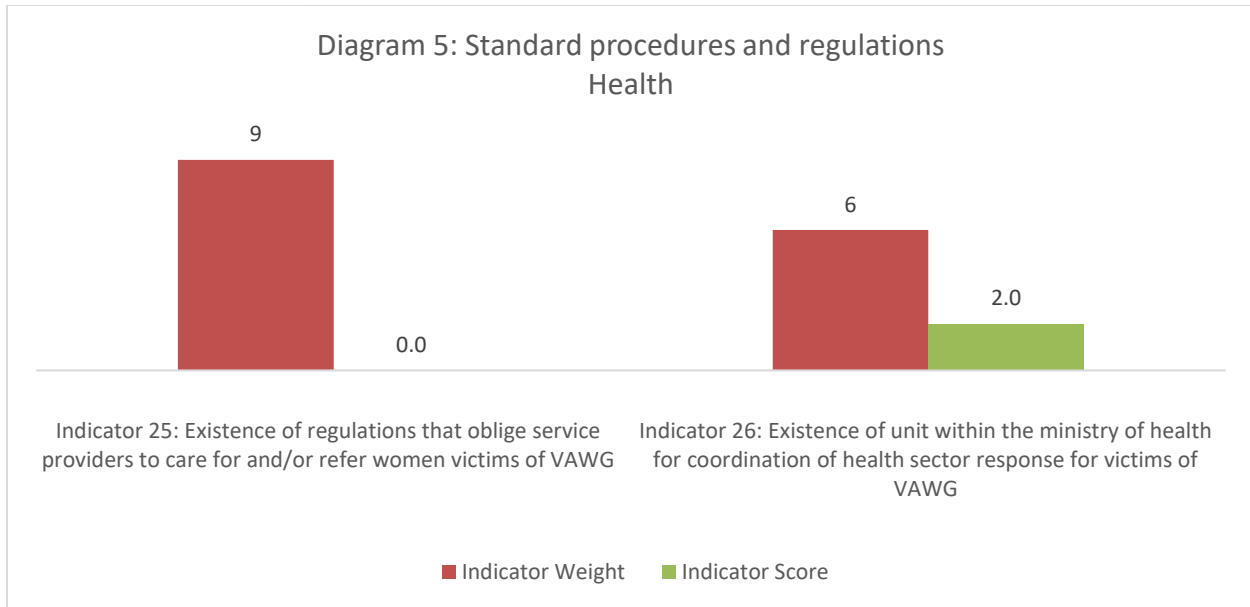


Diagram 4: Standard procedures and regulations
Police





Concerning Justice sector, women victims of VAWG can benefit of free legal aid, and there are procedures for informing women victims of VAWG of their rights at all stages of litigation. However, among major aspects that the justice system lacks is the absence of a specialised court that adopts specific procedures for cases of VAWG. Also, women victims do not have options to contact *female* public prosecutor. For these reasons, Indicator 17 scored 0.

There is no police directorate or unit dedicated to combating domestic violence but there are procedures for protection of witnesses and whistle-blowers. The law on eliminating violence against women includes the principles for providing care for the victims (article 4). It also places

general obligations to be shouldered by every care providing entity (article 39) and special obligations to be carried out by specialised units when caring for victims (articles 25-26).

There are victim-sensitive procedures used by law to identify, interview, and assist trafficked women for sexual purpose and forced labour. Also, there is a National Anti-Trafficking Commission for combating human trafficking pursuant to the provisions of the law no. 2016-61 of 2016 on the prevention and combating of trafficking in persons. It follows gender-sensitive guidelines as stipulated in article 60 of the basic law.

Regarding health sector, there is no unit within the Ministry of Health (MoH) for coordination of health sector response for victims of VAWG. Also, health services are not completely provided for free for all women. There are complicated procedures that make it difficult for all women to receive free medical services. Mention should be made that the law on eliminating violence against women declares that MoH shall be responsible to detect, assess and evaluate all forms of violence against women. This Ministry signed protocols of cooperation with different other ministries and bodies to receive and refer VAWG cases.

The scores achieved in the indicators related to education are low. This is due to lack of mechanism to monitor the compulsory education for girls, as well as the lack of specific regulations and procedures that address VAWG in youth centres, clubs, and stadiums.

Gaps

- Absence of specialised court that adopts specific procedures for cases of VAWG.
- Absence of unit within the MoH for coordination of health sector response for victims of VAWG.
- lack of mechanism to monitor the compulsory education for girls
- Lack of specific regulations and procedures that address VAWG in youth centres, clubs, and stadiums.

Recommendation

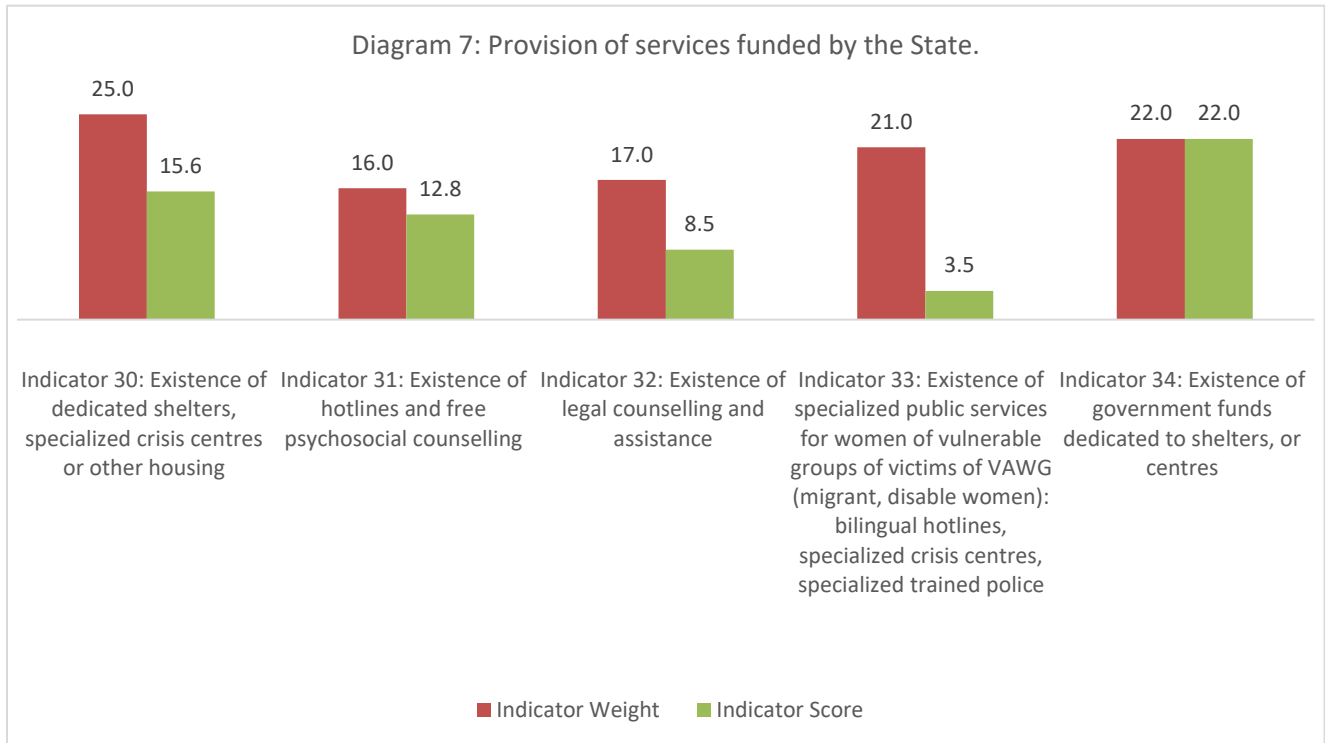
- Establish specialised court that adopts specific procedures for cases of VAWG.
- Establish unit within MoH for coordination of health sector response for victims.
- Adopt a mechanism to monitor the compulsory education for girls.
- Adopt specific regulations and procedures to monitor VAWG especially sexual harassment in youth centres, clubs, and stadiums.

Provision of Services Funded by the State

Similarly, but to lesser degree than the legal framework category, Tunisia achieved high score in the category of provision of services funded by the State which stood at 62%. The category

addresses the victims, their physical and psychological care as well as the provision of shelters, legal aid and hotlines. It includes 6 indicators and 26 sub-indicators.

The diagram below shows the weights and the scores achieved for the indicators under this category.



The country has established national structures and shelters for the protection of women and girls against violence. This includes establishing formal channels of reporting systems such as: police, courts departments, green number of MoWFCS. The law on eliminating violence against women declares that the public prosecutor must assign one or more substitutes to receive reports of VAWG and conduct the necessary investigations. The law also places general obligations to be shouldered by every care providing entity and special obligations to be carried out by specialised units when caring for women victims. Specialised services are provided to victims in 6 shelters, operated under the supervision of MoWFCS.

In 2020, the government issued order no. 582 on the conditions for establishing and managing support centres for women victims of violence. It also created spaces to receive and guide them in the Ministry's regional headquarters. For these reasons, indicator 30 scored 15.6 points out of 30.

The country achieved full score for the indicator 34 on the allocation of funds for services. The government provides funding for shelters run by civil society organisations (CSOs) and has

concluded 11 partnership agreements with the relevant organisations to manage support centres for victims in different regions.

Psychological counselling and legal counselling are provided to women victims of VAWG in the Ministry of Social Affairs' (MoSA) establishments, regional offices of MoWFCS, shelters and listening, counselling and reception centres, as well as **via** public healthcare facilities. hotlines are developed by the MoWFCS, such as the green hotline. The government provided listening services and psychological support to families and children during quarantine by providing a team of psychologists to listen, advise, and propose measures to overcome the repercussions of quarantine including for the cases of domestic violence.

Indicator 33 scored only 3.5 out of 21 points. This is due to absence of specialised public services for women victims from vulnerable groups (migrants, disabled women...) **as** bilingual hotlines, specialised crisis centres, specialised and trained police. There is also a lack of service coverage and shelters in all regions across the country.

Gaps

- Absence of specialised public services for women from vulnerable groups and victims of VAWG (migrants, disabled women...).
- lack of service coverage and shelters in all regions across the country.

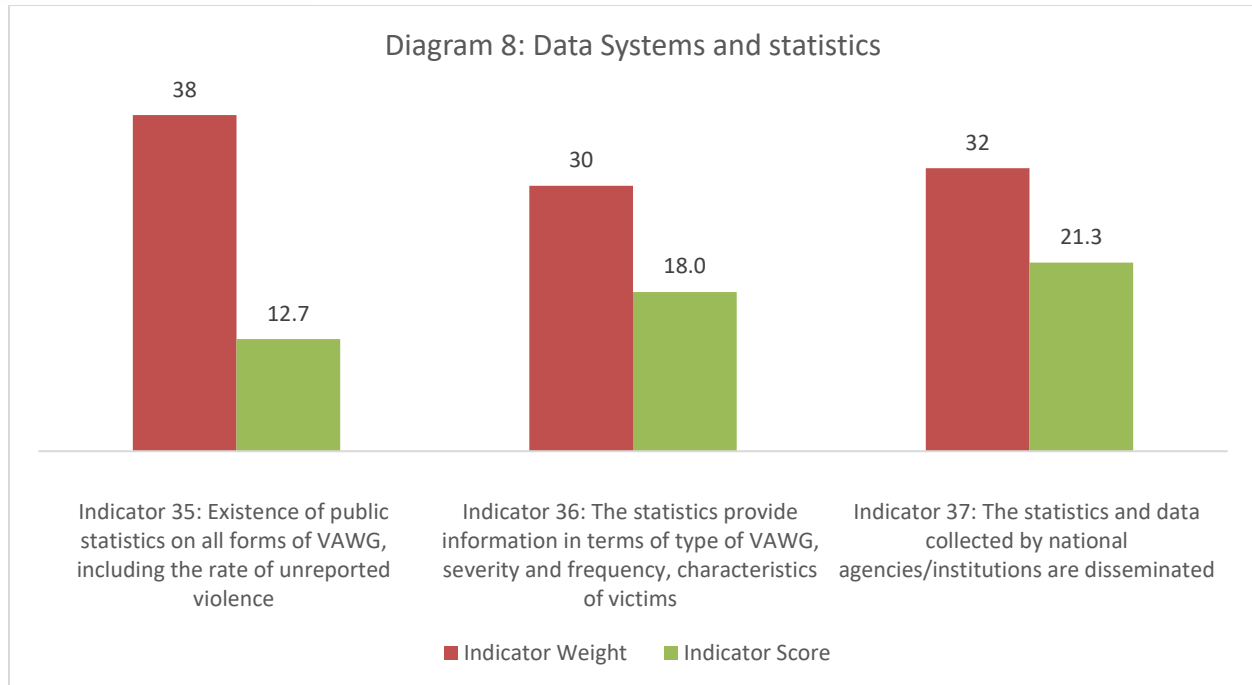
Recommendations

- Expand the scope of services and increase shelters to cover all regions across the country.
- Work on providing services and develop coordination between the competent authorities to reintegrate victims into economic and social life.
- Provide specialised services for women victims of VAWG from the most vulnerable groups, such as migrant women or women with disabilities.

Data System and Statistics

The category of data system and statistics got 52% as level of achievement. The category, is linked to the collection and dissemination of statistics on VAWG and their classification by type of violence and frequency, but also in relation to whether or not they have been the subject of complaints and whether or not these complaints have led to convictions and lawsuits. The category has 3 indicators and 14 sub-indicators.

The diagram below shows the weights and the scores achieved for the indicators under this category.



MoWFCS publishes statistics on VAWG. There is an information system that records cases of VAWG and is equipped with contractor services from the green hotline and the regional delegations for women and families. However, these statistics do not cover all forms and rates of VAWG. indicator 36 scored 18 out of 30 points.

Gaps

- Statistics are not regularly updated and do not include all forms and degrees of violence.

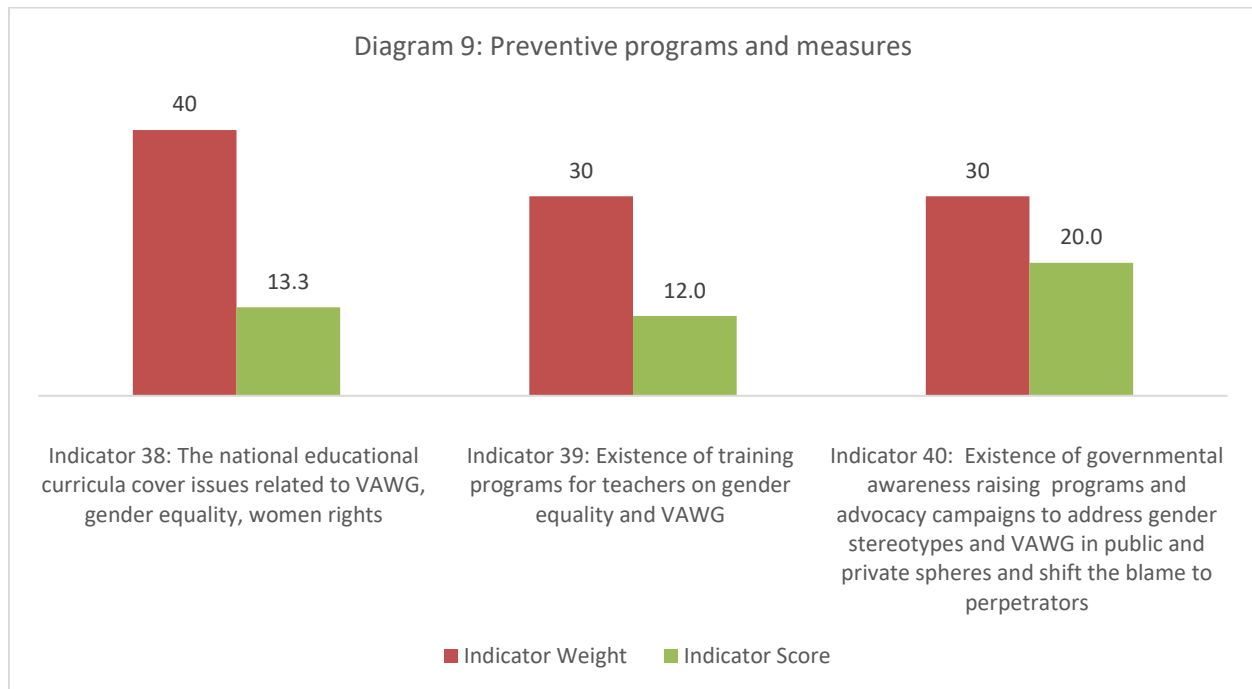
Recommendations

- Expand the scope of and consolidate statistics carried out by MoWFCS to include the degree of violence and its severity.
- Include the indicators of the Regional Index on VAWG in national surveys.

Preventive Programs and Measures

The category of preventive programs and measures got 45% level of achievement. It has 3 indicators and 11 sub-indicators. The category looks at preventive programs and measures, including whether specific training programs for teachers have been set up and whether curricula and handbooks for primary, secondary and university education have integrated issues related to VAWG. This category also looks at national awareness raising, and advocacy campaigns initiated by the governments to address VAWG.

The diagram below shows the weights and the scores achieved for the indicators under this category



Regarding the preventive programs and measures, the score achieved is 45%. The national educational curricula do not include issues related to VAWG or gender equality. Furthermore, there are no specific programs available for schoolteachers on gender equality and VAWG.

Some concerned Ministries, especially MoWFCS, carry out awareness campaigns on specific occasions, as during the 16 Days Campaign to End Violence against Women. They also carry out awareness campaigns in partnership with civil society and with the support of donors in the framework of implementing programs and special projects. Channels of communication are also generated yearly for various issues related to eliminating VAWG on different platforms. The Ministry organises a regional awareness campaign which represents a reusable tool to spread positive messages to combat the prevailing violence against women and to unify the discourse on this matter.

Gaps

- Absence of preventive programmes that target the education sector.
- Lack of texts to address VAWG in all educational curricula.
- Lack of training programmes for teachers on VAWG.

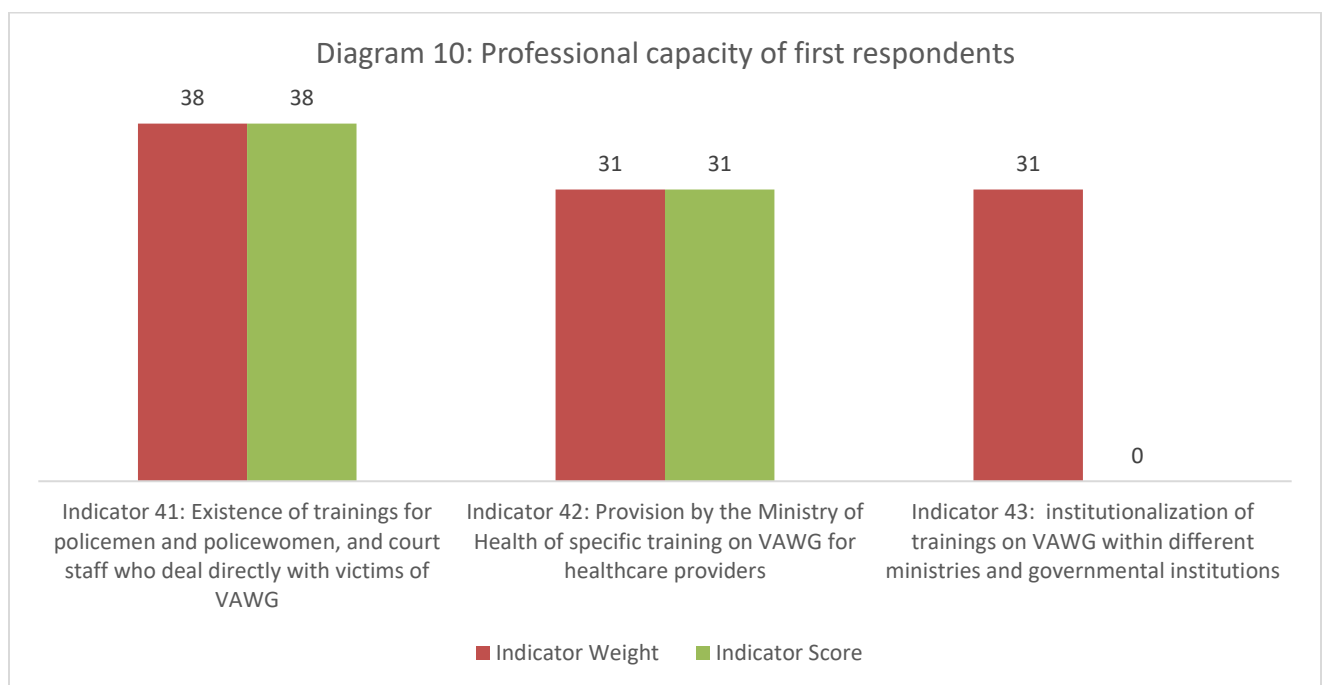
Recommendations

- Expand the prevention programme to include schools and the education sector in general.
- Spread the culture of non-violence and women rights in educational curricula.

Professional Capacity of First Respondents

The category of professional capacity of first respondents achieved high score which reached to 69%. The category has 3 indicators and 12 sub-indicators. It covers institutional trainings for policemen and policewomen and court staff who deal directly with victims of VAWG as well as the institutionalisation of these trainings.

The diagram below shows the weights and the scores achieved for the indicators under this category.



The high score achieved for the category is mainly attributed to the existence of training programs provided by the government for the first respondents. Special training of police officers is organised by MoWFCS on the implementation of the law on combating VAWG. The law stipulates that a special curriculum should be integrated in the programs for medical and nurse students. The law also states that the Ministry of Interior (MoI), MoH and MoSA must ensure provision of trainings for staff on combating violence against women. The work on institutionalising has started at the MoI which conducts trainings to the judicial police to improve skills and knowledge for dealing with women victims of VAWG.

However, as revealed by indicator 43, lack of institutionalisation of the training programmes in the health, legal, and police sectors is one of the factors that led to a decrease in the percentage scored in the professional capacity of first responders' category.

Gaps

- Absence of institutionalised training programs in the health, legal, and police sectors for the first responders on VAWG.

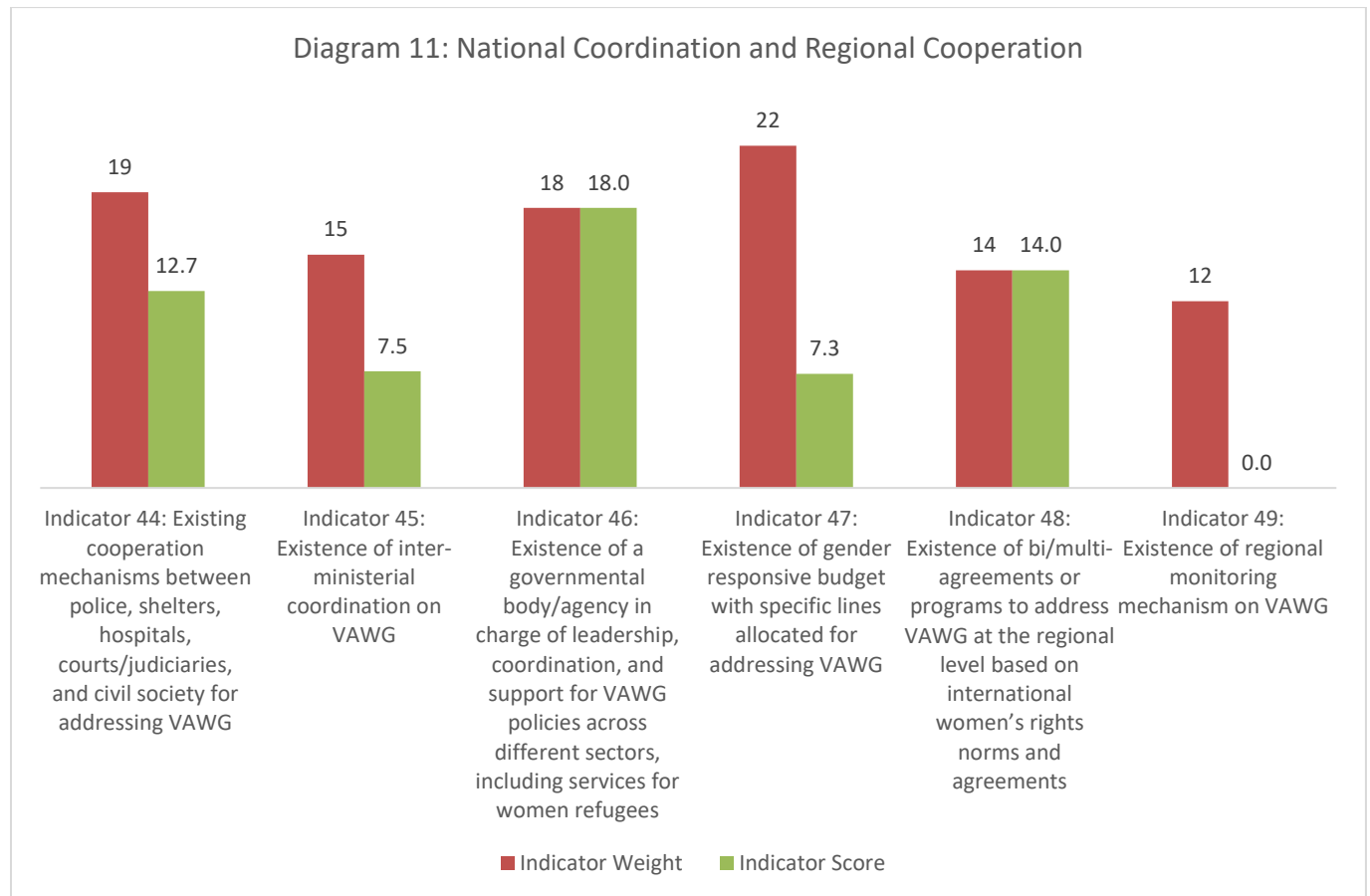
Recommendations

- Institutionalisation of trainings within different Ministries and governmental institutions, including courts, the police, and the MoH.

National Coordination and Regional Cooperation

The category of national coordination and regional cooperation got 60% as level of achievement. The category includes 4 indicators for cooperation mechanisms between police, shelters, hospitals, courts/judiciaries, ministries and civil society on national level, and 2 indicators for regional or international cooperation mechanisms, which have respectively 10 and 6 sub-indicators.

The diagram below shows the weights and the scores achieved for the indicators under this category.



MoWFCS coordinates between the various actors and establishes partnership, support, and coordination mechanisms with CSOs in implementation of the provisions of article 12 of the law on eliminating violence against women and article 8 of the Intersectoral Agreement to Provide Care to Victims. Multi-sectorial protocols have been signed for protecting women victims of VAWG, including MoH, Ministry of Education (MoE), MoSA and MoE, and MoWFCS. These sectorial protocols include procedures for each sector in combating women victims of VAWG, as well as mechanisms for inter-sectorial coordination. A joint framework agreement has also been drawn up between all sectors on care for victims, and it includes:

- Developing manuals for legal guidance and listening to women victims of violence, “Practical Guide for Security Officers on Violence Against Women and Victim Support” and “Practical Guide for Internal Security Forces on the Reception of Women Victims of Violence”.
- Adopting a list displaying the rights of the victims, and spreading it in every relevant unit. Every agent must inform victims of their rights as soon as they are received.

Concerning gender sensitive budget, there is no gender responsive budget adopted by government with specific lines allocated for addressing VAWG. However, Tunisia’s State budget declared in article 18 that each public policy must include goals and indicators guaranteeing equality between men and women and equal opportunities between them.

Indicator 47 scored only 7.3 out of 22 due to the absence of gender sensitive budget. This also lies mainly behind the low score achieved for the category of national coordination and regional cooperation.

Gaps

- Absence of specific lines in the State budget to address VAWG.
- Tunisia did not engage in bilateral agreements and regional cooperation to address VAWG.
- Limited cooperation in the region, including in the frame of Union for Mediterranean (UfM) Ministerial Declarations on Strengthening the Role of Women in Society.

Recommendations

- Allocate provisions in the general budget to combat VAWG.
- Join bilateral agreements and strengthen regional cooperation to address VAWG.
- Enhance the regional cooperation in the frame of UfM Ministerial Declarations.