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Tunisian women fight for right to marry non-Muslims

Since September 2017, Tunisian women are free to marry non-muslims

By Alessandra Bajec

The New Arab (25.09.2018) - <https://bit.ly/2NZWSGd> - One year after scrapping of a ban on marriage between Muslim women and non-Muslim partners, Tunisia experiences resistance at a local level on its path to social change amid a resurgence of conservatism.

Since September 2017, Tunisian women are free to marry non-Muslims. President Beji Caid Essebsi repealed a circular dated to 1973, inspired by the country's Muslim traditions that previously required non-Muslim men to convert to Islam in order to marry a Muslim woman. Only then the country's Mufti would allow the marriage to take place.

Despite the change in legislation, the fight over inter-religious marriages is not over yet as many women have recently stumbled on problems when trying to marry outside of Islam.

The case of Zeineb and her Italian fiancé Sergio is very illustrative of this fight. Speaking in her coastal town Hammamet, she told about the bureaucratic battle they fought after they decided to wed back in June and prepared all the paperwork for the legal procedure.

"The whole problem was that we couldn't find in Hammamet a notary who was willing to marry us," Zeineb said recalling the first three notaries she approached who refused to validate the marriage.

Two motivated their rejection saying that allowing such marriage was against their principles, the third said that the municipality did not want to register the marriage contract.

"The law must be respected," Sergio commented, baffled at the many obstructions they found.

"I'm not Muslim, and I won't change to please the Mufti. Is it my life or the Mufti's life?" he questioned in a sarcastic tone, "where's my personal freedom?"

While some of the reluctant officials declined out of "religious convictions," others claimed they still had to receive or read through the new regulations on interfaith marriages.

After going around and phoning most notaries of Hammamet, the couple went to Nabeul, a nearby town, and finally managed to have their marriage officiated.

Besides Zeineb and Sergio's case, at least two more mixed marriages were reported only in August by the Tunisian association for minorities.

In the last few months, a show of resistance has emerged among some notaries and municipal councillors who seem to be motivated by religious principles, and dispute that recognising inter-religious marriages runs counter to Islamic law.

The newly elected mayor of Kram, Fathi Laayouni, caused much debate in the middle of the summer after declaring that he would never authorise a marriage in his jurisdiction between a Tunisian woman and a non-Muslim.

When defending his position, the Tunisian mayor referenced to Article 5 of the 1956 Personal Status Code giving an ultra-conservative interpretation of the legislation.

"Article 5 sets out some impediments based on Sharia law, among them the marriage between a Muslim female and a non-Muslim male," he stated, "so we must refer to provisions of Islamic (Sharia) law."

Noting that Article 5 has not been recently revoked, Laayouni maintained that his duty is to make sure the law is duly applied. He argued that in order to avoid misinterpretations of the code, the article should be amended to refer to the "law", not Islamic law.

Alternatively, it should be made clear that the marriage between a Muslim woman and a non-Muslim is not listed in the impediments.

The mayor of Kram is convinced that those who oppose his stance are just few people who want to "destroy the Tunisian family and society" in the name of modernity.

"The majority of Tunisians are with me, many town halls are refusing to officiate these mixed marriages without a certificate of conversion to Islam from the male spouse," he claimed.

Lawyers and politicians have said that Laayouni has breached the law and challenged the state.

Historic leap in Tunisia: Women make up 47 per cent of local government

UN Women (27.08.2018) - <https://bit.ly/2wwDSn5> - Seven years after the 2011 Revolution and four years after the adoption of the Constitution, women now make up 47 per cent of the local council positions in Tunisia following the May 2018 elections. The dramatic increase in women members is the result of a 2016 electoral law that includes the principles of parity and alternation between men and women on candidate lists for all elections.

In May, Ichrak Rhouma was elected to the Sidi Hassine Council in Tunis, the capital city. Prior to being elected, Rhouma participated in the Women's Political Academy, a joint project by UN Women and the Tunisian women's rights organization, Aswat Nissa

(Women's Voices). The Academy trained women candidates on local governance, missions and roles of municipal councils, as well as media relations. Rhouma says that the Women's Political Academy "allowed us to deepen our knowledge on women's rights in general, but also to learn new concepts such as gender-sensitive budgeting."

In addition to the Academy, the project has conducted research on women's expectations of municipal council's activities in five regions across the country. The study's results informed candidates' electoral campaigns and shaped regional development planning.

Prior to the 2018 elections in Tunisia, UN Women and its civil society partners conducted capacity building sessions and supported the updating of the gender-sensitive election observation manual. UN Women also provided capacity building to 75 election observers who were trained on the importance of women's participation in elections and how to observe gender-related issues during the voting stages.

UN Women also supported the Tunisian League of Women Voters (LET) to run awareness-raising campaigns to increase voter participation, especially in the regions of Sousse, Bizerte and Nabeul, which had registered the lowest rates in 2012 elections.

"The objective was to invigorate a participatory democracy and political culture within women and youth. Our awareness campaigns trained and engaged young men and women who went door to door explaining the importance of women's participation in the political scene," explains Nejma Ben Kheher, Project Officer at LET.

Khedher added, "Now that we have this high number of elected women in local and regional councils, we hope to continue supporting them with targeted training, such as access to information or gender-responsive budgeting to help them succeed in their mission."

"The increased women's representation in the municipal councils offers an opportunity to impact territorial policies in Tunisia," said Leila Rhiwi, UN Women Representative in Maghreb. "UN Women will continue supporting the councils to integrate gender concerns into their communal development plans that foster good governance and women's leadership."

Tunisia is one of the few countries in the world to establish the principle and practice of equal representation of men and women across candidate lists (horizontal parity – where women should head 50 per cent of candidate lists), as well as down the candidate lists (vertical parity – alternating men and women through the list), in its electoral law. While gender parity has been achieved regarding the municipal lists, according to the High Authority for Independent Elections, more work is needed to support horizontal parity, since women only made up 29.6 per cent of positions at the head of party lists.

Tunisia will hold its parliamentary and presidential elections in 2019.

'I Can Finally Dream': Tunisia Expands Protection for Battered Women

By Lilia Blaise

NY Times (12.05.2018) - <https://nyti.ms/2KtJ3K6> - For women like Sihem Ben Romdhane, the options used to be fewer. Her husband of 19 years often beat her and she lodged complaints with the police, who told her they would have to jail him.

So she would withdraw her complaints each time “because I don’t want my children to be without their father,” she said. Then last November, her husband started beating their 9-year-old son.

“I just could not take it anymore,” she said in an interview in Gafsa, the hard-bitten Tunisian mining town where she lives.

Ms. Ben Romdhane, a Libyan national who has lived in Tunisia for the past 20 years, decided to leave and found refuge in a shelter in Gafsa for battered women.

It is one of just a handful of shelters that have newly opened in the country after Parliament passed a law last year outlawing a broad range of specific violent acts against women, as well as discrimination against them. The law also urged the opening of new shelters and other facilities to protect women in emergency situations.

Tunisia has always prided itself on being the most advanced Arab country when it comes to women’s rights. Women here have long had the right to divorce and gain custody of their children, and polygamy was abolished the year after the country became independent in 1956.

Yet violence against women remains a widespread and persistent problem. Economic violence and domestic sexual abuse are among the most prevalent types of aggression.

In 2016, 60 percent of Tunisian women were victims of domestic violence, according to the Ministry of Women, Family and Children, with studies from nongovernmental groups suggesting the figure may even be higher. And 50 percent of women said they had experienced aggression in a public area at least once in their lives.

Legislators and women’s activists say they are hoping to reduce those numbers with the new law and the shelters that opened at the recommendation of the legislation.

From outside, the new shelter in Gafsa looks like an ordinary house. The inside is homey except for the schedule on the kitchen door, which sets out the hours to eat and clean. The storage closet is stocked with sanitary pads, toothbrushes and clothes.

“Sometimes the women who come here ran away from a desperate situation with no luggage whatsoever. So we provide everything,” said Sonia Mhamdi, the manager of the intake center that is the first stop for women in distress before they are placed in shelters.

There are seven women’s shelters in Tunisia, funded by the European Union. Most opened after the country’s Arab Spring revolution, which began in December 2010 and inspired a string of uprisings around the Middle East and North Africa. The shelters offer protection, legal advice, some free job training, child care, and psychological and medical treatment.

While the new law and the shelters are breakthroughs, the next challenge is to broaden awareness of the changes and to get more abused women to make use of the new institutions and measures to protect them. The police, judges and doctors must also be made aware of the provisions of the new law.

“We need to educate children and their parents to respect family values, which include women’s rights,” said the minister of women, family and children, Néziha Labidi.

The legislation outlaws domestic rape and bars a rapist from marrying his victim in order to diminish his sentence. Police can face jail time if they refuse to take a woman’s abuse

complaint or try to dissuade her from lodging one. Even if the victim drops the charges in a case of violence against women, the investigation is still required to go on.

Reporting of domestic abuse has increased, yet the rate of prosecutions remains low. According to the Ministry of Justice, 5,569 complaints of violence against women were registered between 2016 and 2017. But more than half of them were dropped or dismissed.

Sexual harassment is punishable by two years in prison, and the law goes as far as to oblige any witness of violence against women to report it. It also sets up specific courts and judges dedicated to violence against women as well as special police units, mostly led by women.

"The new law is innovative because before, when the woman was abused and forgave the abuser, he would not be punished by law," said Amor Yahyaoui, a general inspector for the Ministry of Justice. "Now even if the woman forgives him, he will face the law and he will be accountable."

The shelter in Gafsa is one of the newer ones, located in one of Tunisia's more impoverished and conservative regions.

For Ms. Ben Romdhane, 45, the shelter in Gafsa helped her build a legal case against her husband and learn ways to protect herself.

"The women in the center provided me with legal assistance and also psychological support," she said. "I know my rights, but I need support to be sure that my children will remain safe in the process and benefit from at least some help."

Officials in Tunisia have traditionally been unsympathetic toward battered women, often telling them to go back to their husbands, said Khaoula Matri, a sociologist who worked on violence against women in Tunisia.

"The new law offers a lot of legal safeguards to avoid such behavior. But will the mind-set change as well?" she said.

Ms. Mhamdi, the manager of the intake center, said just renting a suitable house required lengthy negotiations with the community. Homeowners feared trouble from the husbands or the families and single mothers are generally not well perceived in Tunisian society, she said.

"The neighbors on the street all had to sign a charter," she said. "The charter states that they agree to the presence of this center here and that they will do everything to protect the privacy and the security of these women. The confidentiality of the place is really important. We can't have angry husbands coming here to look for their wives."

Women must be in an emergency situation or immediate danger to get a spot in the Gafsa shelter.

Twelve women have come to the shelter since it opened last year. They stay anywhere from a few days to four months. The bedrooms have also beds for children and a roof terrace is walled for privacy from the neighbors. The shelter staff say they often play the role of mediator between couples or families.

"It is hard because the women still prefer to get a divorce rather than go through a trial for domestic abuse," said Salah Chragua, the shelter's psychologist. "There is the

question of the children, but also the shame it might cause in front of a conservative society."

Another woman, Jomaa Z., said she came to the shelter after being badly injured by her spouse. The 34-year-old said she did not want to disclose her full identity because she feared her husband. She stayed a month with her children.

"I went back to him and it scared him to see that I was able to leave like that, that I did not need him," she said in an interview at the shelter. "He changed after that. The next step for me is divorce, but I am afraid of raising my children alone," she added.

Despite the conservatism of the society in Gafsa, there are signs of change. In February, the regional court sentenced a man under the new law to two years in jail after his wife accused him of repeated sodomy.

"Women and men come every day to the court for marriage issues and to ask for child support and women do not hesitate to complain about their violent husbands," said Mohamed Khlefi, the public prosecutor of the Gafsa court. "It is not taboo anymore."

In the Gafsa shelter, one of the success stories is Salima Abidi, who is 50 and single and used to be jobless. She never got married because she was at home caring for her sick mother. She did not finish high school, and after her mother died, she ended up living with her father and brother who did not want her.

"I was a burden for them despite all that I sacrificed for my family. It quickly became verbal and physical," she said. "Both my brother and my father blamed me for staying with them, so I finally left."

She spent three months at the shelter, mostly to build up her self-esteem but also to learn how to be financially independent.

"I felt abandoned and it is really hard here to be a single woman with no family," she said. She now has a job as a building manager and lives in a center for women who have no family in exchange for a meager rent.

"I am free. I have some money set aside. I can finally dream and think about my future," she said. "I know my relatives inquired about me. But I am not ready to see them again."

Tunisia lifts ban on Muslim women marrying non-Muslims

President's initiative secures Tunisian women's right to choose spouse despite opposition from mainstream Muslim clerics

Al Jazeera (14.09.2017) - <http://bit.ly/2fpyiLR> - Tunisia has abolished a decades-old ban on Muslim women marrying non-Muslims as the president seeks to secure equal rights for the country's female population.

"Congratulations to the women of Tunisia for the enshrinement of the right to the freedom to choose one's spouse," presidency spokeswoman Saida Garrach wrote on Facebook on Thursday.

The announcement came a month after President Beji Caid Essebsi called for the government to lift the ban dating back to 1973, arguing that existing practice violates Tunisia's constitution, adopted in 2014 in the wake of the Arab Spring revolution.

He created a commission, led by a female lawyer and rights activists, aimed at drafting revised rules.

Until now a non-Muslim man who wished to marry a Muslim Tunisian woman had to convert to Islam and submit a certificate of his conversion as proof while a Muslim Tunisian man is allowed to marry a non-Muslim woman.

Human rights groups in the North African country had campaigned for the ban's abolition, saying it undermined the fundamental human right to choose a spouse.

Inheritance inequality

Tunisia is viewed as being ahead of most Arab countries on women's rights, but there is still discrimination, particularly in matters of inheritance.

Daughters are entitled to only half the inheritance given to sons.

Mainstream Muslim clerics almost universally see the inheritance rules as enshrined in the Quran, Islam's holy book, and consider the rules on marriage to be equally unquestionable in Islamic law.

The country's leading imams and theologians have issued a statement denouncing the president's proposals as a "flagrant violation of the precepts" of Islam.

Some worry that such changes could stir up anger in a country that has already suffered deadly attacks.

The first president of independent Tunisia, Habib Bourguiba, championed a landmark social code in 1956 that set a standard for the region by banning polygamy and granting new rights to women unheard of in the Arab world at the time. But even he didn't dare push for equal inheritance.

Tunisians demand change to Muslim marriage decree

Arab News (27.03.2017) - <http://bit.ly/2nPF8R> - An alliance of Tunisian human rights groups on Monday called on authorities to scrap a 1973 decree that bans Muslim women from marrying non-Muslims.

The alliance of some 60 groups signed a statement calling for the decree to be revoked, saying it undermines "a fundamental human right: which is the right to choose a spouse."

Sana Ben Achour, president of the Beity association, told a news conference "it is inadmissible today for a simple decree, which has almost no judicial value... to command the lives of thousands."

The decree issued in 1973 by the justice ministry stipulates that a non-Muslim man who wishes to marry a Tunisia woman must convert to Islam and submit a certificate of his conversion as proof.

Wahid Ferchichi, of the Adli association for the defense of individual liberties, said the decree violates Tunisia's constitution which promotes equality between all citizens, regardless of gender.

The coalition said it would mount a campaign to mobilize public opinion and seek meetings with the ministers of justice, interior and the head of government, hoping the decree will be scrapped by November.

Tunisia is viewed as being ahead of most Arab countries on women's rights.

The North African country and birthplace of Arab Spring protests that ousted several regional autocratic, adopted a new constitution in 2014 which guarantees equality between men and women.

Article 21 of the constitution states: "All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination."

But discrimination against women in Tunisia remains rife, particularly in matters of inheritance and the country's Code of Personal Status designates the man as the head of a family.