

Minority Rights Group International

**In partnership with :
Unité Dans la Diversité, Mnemty**

Review of the 7th Periodic Report of TUNISIA

**Committee on the on the Elimination of Discrimination Against
Women (CEDAW)**

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Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious, and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing, and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples. MRG works with over 150 organizations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR).

Mnemty is a Tunisian association, registered since 2013, concerned with the fight against all forms of racial discrimination. Its work contributed to the establishment of a legal framework for the protection of black Tunisian men and women.

Unité dans la Diversité (UDD) is a Tunisian association working to re-build a culture conducive to peaceful coexistence and « vivre ensemble » in the country. It does so through the organisation of workshops and conferences, artistic and cultural events, and through services promoting and defending the principle of unity in diversity in Tunisia, including through the promotion of a culture of human rights.

I. Introduction

1. This submission to the Committee on the Elimination of Discrimination Against Women (hereafter the Committee) ahead of the examination of periodic reports of Tunisia at the 84th session is based on the information gathered by Minority Rights Group International as well as local partner organisations in Tunisia, namely Unité dans la Diversité and Mnemty. It provides information on the situation of women and girls belonging to vulnerable groups in Tunisia including women from ethnic and religious minorities, indigenous women, migrant and asylum-seeking women, women living with HIV and lesbian, bisexual, trans, queer + (LBTQ+) women.
2. This submission is taking place in the context of a widespread political instability, regressions of human rights and democratic transition gains, accentuated by the impact of the Covid-19 pandemic on the already fragile social and economic situation in Tunisia. This context and the impact of the pandemic aggravated the social and legal challenges faced by the populations covered in this report, in particular with regard to the right to health.

II. Legal framework

A. Regional and International conventions

3. Tunisia is a party to the Convention on the Elimination of All Forms of Discrimination Against Women (hereafter CEDAW) since 1985 and lifted the existing reservations made upon ratification in 2011. However, the lifting of the reservations to the CEDAW became official only in 2014. Tunisia also ratified in 2019 the Council of Europe Lanzarote Convention for the prevention of sexual violence against children. Moreover, Tunisia is also a state party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

B. Domestic Law

4. The commitment proclaimed by the Tunisian Constitution of 2014 towards advancing women's rights in its article 46¹ was confirmed by article 51 of the 2022 Constitution. However, its implementation remains uneven, as neither the pre-existing legislation nor the new legislation are systematically reviewed in light of this Constitutional principle, due to the ongoing inexistence of a Constitutional Court.
5. In 2017, then President Beji Caied Essebsi convened a presidential commission called COLIBE (in French, *Commission des Libertés Individuelles et de l'Egalité*), comprised of legal experts, sociologists, human rights activists, and professors with a mission to review domestic law and make

¹ “The state commits to protect women’s accrued rights and work to strengthen and develop those rights. The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The state works to attain parity between women and men in elected Assemblies. The state shall take all necessary measures to eradicate violence against women” Article 46 of the Tunisian constitution of 2014 translation by https://www.constituteproject.org/constitution/Tunisia_2014.pdf

recommendations for reforms to put these laws in conformity with the 2014 Constitution and international human rights standards, including issues pertaining to women's rights. After one year of extensive work and meetings with different civil society actors, the Commission's work was concluded by the elaboration of a report that in the words of Association tunisienne pour la défense des libertés individuelles (ADLI), "sparked a fierce debate between supporters of human rights in favor of the report and those who denounced it".² Following the conclusion of the COLIBE's work and the presentation of the recommendations to the President of the Republic, two distinct draft laws were presented to the Assembly of the Representatives of the People. In October 2018, the first draft law was submitted to the parliament with an initiative from 16 of its members regarding the elaboration of a code for individual rights and freedoms. In November 2018, the council of ministers approved the second bill to amend the inheritance law to grant equal rights for women. Later, this bill was presented to the parliament for debate and voting. Until the end of the parliamentary term in 2019, the parliament did not discuss these two bills, that are still pending with no date scheduled for discussion.

6. The Tunisian parliament adopted an organic law in 2017 to eliminate violence against women; Organic law n°2017-58 of 11 August 2017. The text introduces "the recognition of all forms of violence against women" (physical, moral, sexual, economic.). The philosophy of the law shifts the focus on violence as a private matter (from a societal point of view) to a public matter – in which the state is responsible to protect women. The law provides for instance that in case of gender-based violence, even if the victim withdraw her complaint, the proceedings do not stop. Furthermore, this law lists a number of factors of vulnerability and provides that committing violence against a woman in a situation of physical or mental disability is an aggravating factor.
7. The same law provides a comprehensive definition of discrimination against women as "any distinction, exclusion or restriction that has the effect or purpose of impairing the recognition of human rights and freedoms of women, based on full and effective equality, in the civil, political, economic, social and cultural fields [...] regardless of colour, race, religion, thought, age, nationality, economic and social conditions, marital status, state of health, language or disability".
8. However, five years after its adoption, the implementation of the law no2017-58 remains challenged by the poor administrative structures to report incidents of violence and provide support to victims, and lack of political will to stand fight against all types of violence against women, for instance by providing necessary trainings to law enforcement such as police forces and the judiciary.

² L'Association tunisienne pour la défense des libertés individuelles (ADLI), Lecture analytique pour l'adoption du code des droits et des libertés individuelles <https://adlitn.org/en/download/lecture-analytique-pour-ladoption-du-code-des-droits-et-des-libertes-individuelles-codli/>

9. The adoption of the Organic Law No. 2018-50 of October 23, 2018, on the elimination of all forms of racial discrimination in Tunisia constituted another cornerstone in the fight against discrimination. However, despite this historical step, this law did not include any specific provision that protects black women in particular against discrimination.
10. The orientation law n° 83 of August 15, 2005 relative to the promotion and protection of persons with disabilities and the Convention on Rights of Persons with Disabilities (CRPD) provide a structured legal framework that purports to protect and the promote the enjoyment of human rights and social inclusion for persons with disabilities. However, the national law does not include specific provisions about the protection of the rights of women with disabilities.
11. The Organic Law No. 2016-61 of August 3, 2016, relating to the prevention of and fight against trafficking in persons included specific provisions that aims at preventing all forms of exploitation to which women and children in particular may be exposed, to fight against women and child trafficking, and to punish the perpetrators of such crimes. This law considers for instance that pregnant women are particularly vulnerable when it comes to trafficking and exploitation.

III. Analysis

A. General principles – non-discrimination

Article 2 of the Convention

Situation of women from ethnic and religious minorities (Christian, included converted Christians, atheist or non-religious, Jewish, and Baha'i women, Black women, Amazigh women)

12. For decades, Tunisian regulations prohibited Muslim women to marry non-Muslim men and obliged those who wanted to have their marriage recognized in Tunisia to provide their husband's certificate of conversion to Islam. This prohibition stemmed from an administrative circular that dated back to 1973, forbidding civil servants from registering any marriage between a Tunisian woman and a (foreigner) non-Muslim man. This prohibition did not apply to Tunisian men marrying non-Muslim women, which constitutes a discrimination that contradicts the state's obligation to ensure equality between men and women both under the Tunisian Constitution and under the CEDAW.
13. In 2017, President Béji Caïd Essebsi, abolished this circular and decided to grant women with the freedom to choose their partners from any nationality and confession. This important change contributes to reducing the discrimination faced by women in Tunisia. However, some municipalities until today still refuse to practice marriages between Tunisian women and non-Muslim foreign men, thus not acknowledging the abolition of the circular. This discrimination is even more important when it comes to women from religious and belief minorities (Christian, Atheist or non-believers, Jewish, Baha'i) as the State does not provide any specific provisions to

protect them and ensure their access to their rights. Despite the removal of this legal barrier, women who convert from Islam to another religion, as well as converted couples and their children, continue to face societal stigmatisation and discrimination.

14. As far as Amazigh women are concerned, one of the legal challenges that they had been facing in Tunisia is that for a long time they have been deprived of the freedom to choose non-Arabic names for their new-borns because of the existence of Circular No. 85 of 1965 that explicitly prohibited parents for opting for non-Arabic names for their children. In a welcome development, in July 2020 the ministry of Local Affairs published a circular that abolished that former circular and guarantees the freedom of families to register new-borns with any name they want. This gives Amazigh families the right to register their children with traditional indigenous names, however we have received reports that a number of municipalities were not aware of this change (or unwilling to accept it) and continue to refuse to register non-Arabic names.
15. Another challenge faced by Amazigh women and girls is the lack of anti-discriminatory policies addressing their situation, as well as the lack of proactive efforts and policies to promote economic empowerment in rural areas and to provide education opportunities in their own native language, Tamazight. This leads to a threat of disappearance of the language which is no longer transmitted by Amazigh women to their children, who are prevented from learning the language as Tamazight teaching is not offered in public schools by the state. Therefore, it is essential to adapt school curricula to be more inclusive and allow Amazigh girls and women to get an education that allows them to preserve their linguistic and cultural identity.³
16. Moreover, Black women in Tunisia are facing multiple and intersecting forms of discrimination because of their colour and of their gender. They are frequently exposed to racist comments – especially in public spaces. For instance, black women are disproportionately subjected to sexual harassment and violence because of unchallenged stereotypes that reduce them to sexual objects. K. K., a Tunisian black feminist explains that “[black women] not only struggle with social, economic and professional discrimination, but also sexual harassment. Black women are often the target of particular forms of sexual harassment, because they are commonly perceived to be ‘sex machines’ and even miracle healers of all sickness.”⁴

In light of the above, MRG and its partners urge Tunisia to:

- Implement article 39 of Organic Law 58/2017 which provides for the creation of a National Observatory for the fight against violence against women and disaggregate

³ Minority Rights Group, The Amazigh language: between the risk of extinction and the hope of victory <https://minorityrights.org/2021/08/10/amazigh-documentary-en/>

⁴ Open Democracy, The black Tunisian women fighting double discrimination, <https://www.opendemocracy.net/en/5050/the-black-tunisian-women-fighting-double-discrimination/>

data concerning incidents of violence and discrimination against women from minority groups.

- Ensure that all women, and particularly women from religious minorities, can marry the person of their choice whatever their religion or belief, in line with the abolition of the 1973 circular, and without facing potential stigmatization from administrative bodies
- Guarantee legal protection of women from different religions or belief and preserving their right to freedom of religion or belief.
- Ensure that Amazigh parents can choose traditional names of their choice in agreement with the abolition of the 1965 circular.
- Recognise the country's diversity in school curricula and in the public discourse, including religious, ethnic and linguistic diversity to avoid marginalisation and stigmatisation of children belonging to different minorities.
- Halt the process of cultural assimilation of the Amazigh population and language endangerment of Tamazight caused by state policies and provide support for the teaching and revitalisation of the Tamazight language to allow Amazigh children to maintain their linguistic and cultural identity.
- Ensure the right of Amazigh girls and women to learn their language in school by providing Amazigh language classes starting with primary schools in regions where there is a high concentration of Amazigh-speaking citizens. This will require training of teachers and the preparation of appropriate language curricula. In the meantime, state support should be provided to civil society organisations who are taking up the role of providing Amazigh language teaching, to avoid the complete disappearance of the language and to ensure respect of cultural rights of minority and indigenous people.
- Implement article 5 of Organic Law no.50/2018 and governmental decree 2021/203 which provide for the creation of a National Commission for the fight against racial discrimination and adopt a gender-based approach to look into incidents of discrimination and violence against black women. This commission should liaise with bodies under the Ministry of Education and the Ministry of Women, Family, Children and Seniors to implement policies to fight racial discrimination in all fields.

Raise awareness on racial discrimination and how it impacts women's access to all human rights. Train judges, police officers and all public employees working with children and women on law no.50/2018 in case of minors, girls and women victim of racial discrimination.

Asylum-seeking, refugee and irregular migrant women

17. Regarding the situation of migrant and asylum-seeking women, the absence of a domestic legal and institutional framework that organises asylum and migration in Tunisia leaves them in a situation of extreme vulnerability. This vulnerability is enhanced by racism and stereotypical attitudes towards people of sub-Saharan African origins. Thus, despite the increasing number of asylum-seeking, refugee and irregular migrant women in Tunisia, the state did not adopt specific measures necessary to ensure that these populations enjoy their rights under international refugee and human rights law.
18. Moreover, in the absence of any action from the state to reform the 1968 law on the status of foreigners, as well as the Labour Code which heavily regulates and limits the conditions of work that can be conducted by foreign workers, and to ratify the Convention on the Rights of All Migrant workers and members of their families, most of migrant women – especially those from sub-Saharan Africa - are being pushed into a persistent state of precarity and vulnerability. Thus, many migrant and asylum-seeking women remain in an irregular situation, that force them into underpaid informal work and other forms of exploitation.

In light of the above, MRG and its partners urge Tunisia to:

- Adopt a comprehensive law that organizes migration and asylum in Tunisia and provides specific attention and protection to migrant women.
- Include special measures of protection for migrant women within the future migration strategy, in line with human rights standards and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Lesbian, Bi, Trans and Queer (LBTQ+) Women

19. LBTQ+ women in Tunisia face legal, social and economic challenges. Discrimination is present in the family, in society and in their relations with state agents and public institutions. The continuous existence of laws criminalising homosexuality as well as the spread of homophobia and transphobia within the Tunisian society expose LBTQ+ women to abuses within their families, at school, in hospitals and other public institutions. Homosexuality in Tunisia is criminalized through article 230 of the penal code. While the Arabic and French versions of the texts are different, the Arabic version criminalizes both “female and male homosexuality”. The French version speaks only of “sodomy”. However, it is the Arabic version of the text that has the legal prevalence. Thus, Tunisian law criminalizes both types of homosexuality.
20. Other vague provisions within the penal code expose women to the risk of imprisonment such as articles 226 and 226 bis that penalize “offences against good morals or public mores by gesture or word” and “public indecency”. The authorities usually employ these texts to repress any visible

forms of gender expression that are perceived as differing from a norm marked by heteronormative gender roles and stereotypes. Therefore, trans women are not recognized as women in Tunisia and the state's policies aiming at protecting and promoting the rights of women do not take them into account and disregard their particular needs and challenges. They face a particularly hostile environment marked by increased vulnerability to social and state stigmatization, discrimination and violence, including police violence. Moreover, other provisions from the same code such as article 231 are also used to harass and criminalize sex-workers, particularly trans women sex-workers.

21. A report from the network of Anti-Discrimination Points reveals that 326 cases out of a total of 651 cases of discrimination recorded in 2020 are based on sexual orientation or gender identity. 13.5 % of the identified cases concerned trans women.⁵ The absence of legal recognition of trans women combined with the societal homophobia and transphobia force trans women into a situation of great precariousness, as they face challenges in accessing housing, education, employment and healthcare.

In light of the above, MRG and its partners urge Tunisia to:

- Repeal article 230 of the penal code that criminalizes homosexuality along with article 226 and 226 bis that constitute the legal basis for the repression of LGBTQ+ persons in Tunisia.
- Repeal article 226 and 226 bis of the penal code or at least ensure that they are not arbitrarily used to harass and criminalize LGBTQ+ women and girls and in particular trans women and sex workers.
- Educational staff should be appropriately trained and human rights education in schools should be promoted to avoid incidents of stigmatization and violence against women and girls belonging to any marginalized groups, including black women, migrant women, LGBTQ+ women and women living with HIV.

B. Right to participate in public and political life

Articles 7 and 8 of the Convention

22. Despite being one of the few Arab countries that had established gender parity in the electoral system after the revolution, the participation of women in public and political life has still not been equal to men's. Women - and particularly women belonging to minority groups have still been

⁵ Minority Rights Group and the PAD network , Cas de discriminations collectés par les Points Anti-Discrimination et l'Observatoire pour la Défense du Droit à la Différence, <https://minorityrights.org/publications/pad-report-2020/>

consistently under-represented in positions of power and leadership in Tunisia. Although some indicators showed a significant progress in terms of women's participation in public life – they occupied 35.94% of the national legislature and 40% of the judiciary body in 2021 - women's participation to public life remains challenging, due to the male dominance of public spaces.⁶

23. A new electoral law introduced by Tunisian President Kais Saied on 15 September 2022 eliminated the principle of gender parity in elected assemblies in Tunisia. The electoral law of 2014, and its 2017 amendment, had enshrined the principle of gender parity, thus enabling municipal councils to be made up of 47% women after the 2018 elections.⁷ As a consequence of the 2022 electoral law, only 15% of the candidates to the legislative elections of 17 December 2022 were women. These elections saw a turnout of 11% as most political parties boycotted the process.
24. Moreover, the participation of women from minority groups is still very limited and the government does not desegregate data by ethnicity or religion, and therefore does not give itself the tools necessary to measure and report on the participation of persons belonging to minorities in public and political life.
25. The state thus shows a continuous failure to promote and support the participation of women from minority or “minoritized” groups’ in political affairs, as well as a recent regressive trend in terms of women's participation in general.. Jamila Ksiksi was the only black woman to become member of the parliament in the 2014 and the 2019 legislative elections. In 2019, she was the victim of a racist incident from some of her fellow members of parliament who attacked her on social media using racist and degrading words. This incident represents one of the many demonstrations of the political violence that women have to face in Tunisia –especially if they belong to minority groups. The law 58 defines political violence as “any act or practice based on gender discrimination aimed ... to deprive the woman or prevent her from exercising any political, partisan, associative activity or any right or fundamental freedom”. Yet, women still face challenges, such as societal stigma and lack of opportunities, that hinder their ability to participate in the political and public life without any reaction from state authorities.
26. Another incident that displays continuing resistance within the public sphere to see women and women from vulnerable groups in particular take their full part in public discussions and public affairs, is the wave of arbitrary detention and harassment of LGBTI rights activists that took place in the framework of protests against the government in Tunisia. In February 2021, the Tunisian police arrested the queer and feminist human rights activist R.A. after she filed a complaint against a police officer who was harassing and bullying her in the street based on the way she looked and

⁶ Preliminary observations on the visit to Tunisia by the Independent expert on protection against violence and discrimination based on sexual orientation and gender identity,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27174&LangID=E>

⁷ Human Rights Watch, <https://www.hrw.org/fr/news/2022/11/02/en-tunisie-la-parite-hommes-femmes-pietinee-lapprochedes-elections-legislatives>

her gender expression. According to Ms. A.'s lawyer, she had been facing consistent harassment by police officers both in the street and online on her social media accounts. This harassment caused her to suffer severe mental health consequences. Before her detention, Ms. A. declared that she did not feel safe even in her own apartment, as the police came looking for her several times. Following her arrest, Ms. A. started facing more harassment and discrimination in the women's prison where she was detained as "women prison guard have repeatedly entered her cell at night while she was sleeping, insulted her using derogatory language relating to her sexual orientation and gender expression".⁸

27. On 4 March 2021, R. A. received a six-month prison sentence. Her conviction was based on "violating the general morals" and "insulting a governmental employee". After spending almost 3 weeks in prison, she was released following an important campaign from civil society organisations. Following her release, Ms. A. sought asylum in France, where she currently resides.
28. This case represents one of an increasing trend of arbitrary arrests and restrictions imposed on human rights defenders in the country.⁹ In this regard, LGBTI rights activists in Tunisia are facing multi-layered discrimination, and a continuous crackdown on their rights from the authorities deriving from the existing legal challenges, and societal homophobia.
29. Women belonging to religious minorities represent another example of women who do not fully enjoy their right to participate in public and political life. In this regard, the lack of recognition of religious diversity in Tunisia hinders the enjoyment of these rights. For instance, in 2018 the government refused to grant the Baha'i Association with a legal status.¹⁰ In response, the association decided to sue the government for discrimination as the decision was based on a fatwa accusing the Baha'i of apostasy. This refusal to recognize and to protect people belonging to the Baha'i faith highlights a general situation of denial of the existence of religious minorities and of their place in the society. This creates an environment conducive to a situation where women belonging to religious minorities – Baha'i women for instance – do not enjoy the same rights to participate in public and political life as women belonging to the majoritarian religion in the country. They often find themselves discouraged from participating in public spheres because of the fear of being targeted due to their religious beliefs.

In light of the above, MRG and its partners urge Tunisia to:

- Revise the 2022 electoral law to ensure respect for the principle of gender equality in electoral representation.

⁸ Human Rights Watch, "Tunisia: Harassment, Arbitrary Detention of LGBT Rights Activist" <https://www.hrw.org/news/2021/03/09/tunisia-harassment-arbitrary-detention-lgbt-rights-activist>

⁹ Human Rights Watch, <https://www.hrw.org/world-report/2023/country-chapters/tunisia>

¹⁰ Businessnews, L'association Bahaie en Tunisie dépose une plainte contre le gouvernement pour Takfirisme <https://www.businessnews.com.tn/lassociation-bahaie-en-tunisie-depose-une-plainte-contre-le-gouvernement-pour-takfirisme,534,106740,3>

- Disaggregate data by ethnicity, religion and language to monitor participation of minority women in political life and put in place positive measures to promote their meaningful participation.

C. Right to health

Article 12 of the Convention

30. As stated above, the state does not recognize trans women as women and they are unable to access the necessary healthcare services. This group faces important challenges with regard to their right to health. Some studies found that “three-quarters of trans people did not go to the doctor or do not undergo medical tests for fear of mockery, negative judgments, abuse by medical staff, or fearing that legal action based on Article 230 of the Penal Code would be taken against them”.¹¹
31. Moreover, in Tunisia, trans people do not have access to necessary hormonal treatments and gender-affirming operations. Therefore, they find themselves forced to take medication on their own – that might not be adequate to their needs, regularly causing several health complications. As the right to health encompasses mental health as well, it is important to note that many LGBTQ+ people in Tunisia report suffering from severe anxiety due to the lack of security and the continuous life-threatening experiences. In this regard, a study realized by civil society organisations in 2018 found that “more than half of LGBT people surveyed had attempted suicide at least once and nearly half had self-harmed at least once in their lives.”¹² The regular violations of medical secrecy also create an environment of fear and lack of trust that prevent LGBT people from using health facilities and resorting to health professionals.
32. The Covid-19 pandemic disproportionately affected persons belonging to minority and minoritised groups with regard to their access to health. In this regard, during the general lockdown, access to testing remained a privilege to more affluent and better connected segments of the population. For instance, migrants who do not have a residence permit were denied access to medical services. A study on the impact of the Covid-19 pandemic on minority groups in Tunisia highlights that the lack of social security coverage for sub-Saharan migrants prevented them from benefiting from free testing and care related to the pandemic.¹³ In particular, we received reports of pregnant sub-Saharan women facing barriers when attempting to access required relevant health services.¹⁴
33. Other minority groups have been affected by the Covid-19 pandemic as they were prevented from fully enjoying their right to access health. For instance, the geographic location of the Amazigh population in the southern part of the country far from hospitals and health care centers hindered their access to health care in general. Specifically, access to the toll-free number put available to

¹¹ Preliminary observations on the visit to Tunisia by the Independent expert on protection against violence and discrimination based on sexual orientation and gender identity

¹² Ibid

¹³ Minority Rights Group, Impact de la Covid-19 sur les droits des minorités et des populations minorées : consultation avec la société civile https://minorityrights.org/wp-content/uploads/2021/11/MRG_Tunisia2_FR_Nov21.pdf

¹⁴ Minority Rights Group, <https://minorityrights.org/2022/02/10/crossing-africa-en/>

people suffering from covid-19 symptoms was not available to Amazigh people due to the language barrier, which affected particularly uneducated elderly Amazigh women. Moreover, transgender women reported being denied access to covid-19 care because their physical appearance did not match what was on their identity card.¹⁵

In this regard, MRG and its partners urge Tunisia to:

- Ensure equal access to free health services to all women, regardless of their nationality and migratory status..
- Offer safe and confidential psychological support to trans women to ensure their access to their right to health and adopt a policy that takes into consideration specific needs of the community such as facilities regarding sexual and reproductive health.
- Enable LGBTQ+ women, and especially transwomen, to enjoy their rights to health and all administrative services without discrimination. Ensure violations of their rights are duly punished and remedied. Ensure that they can change all official documents as desired.
- Provide necessary means to help Amazigh elderly women who are Amazigh speaking only to access all public services without discrimination.

D. Right to Equality in Economic and Social Life

Articles 3; 10; 13 and 14 of the Convention

34. Women with disabilities are in a particularly vulnerable situation, as they are facing multiple challenges affecting their ability to participate in economic and social life. In this regard, according to the National Institute of Statistics census of 2014, 49% of the persons with disabilities in Tunisia are women. Despite several reforms that aimed at ensuring a further inclusion for persons with disabilities, such as access to education and increasing the quota to access employability from 1% to 2% in 2016, no special measures were taken to ensure attention to women with disabilities, thus leaving this population facing several challenges due to the compounded forms of discrimination they face based on their disability and gender.
35. Access to equality in economic and social life is challenging to trans women as well. In this regard, in a recent survey the majority of trans persons who responded reported having an income of less than 100 TND (32 USD) per month. Violence, discrimination, stigmatization and exclusion that trans women are facing in Tunisia causes great distress and force them into economic precarity. This situation often pushes them to resort to sex work which puts them at greater risks of arrests,

¹⁵ Supra 13.

harassment and violence from the public agents.¹⁶ They face difficulties in terms of access to housing as well. According to a study, trans women are more likely to be evicted from their homes because of their non-normative gender identities.¹⁷

36. Black women in Tunisia face a large array of discriminations that negatively affect their right to enjoy their economic and social rights. In this regard, the right to access to work is particularly challenging for black women, whether with completed university degrees or not. For instance, Mnemty association reports that black women are less likely to get invited to a job interview if they have their photos on their curriculum vitae. Furthermore, according to the same source, it is rare to find black women working as receptionist or at places where there is contact with customers. Cases of discrimination have been documented regarding discrimination in the recruitment process of airline companies for instance.
37. Moreover, some persistent stereotypes hinder black women from accessing certain jobs. For instance, black women could be denied from exercising key positions but are accepted to do housekeeping jobs. This marginalization in the work sector is caused by a “hidden history of slavery and servitude [which] shapes the continued racism and exclusion that black populations in North Africa contend with today.”¹⁸ This marginalization upholds a system of discrimination towards women from minorities thus widening the socio economic gap.

In light of the above, MRG and its partners urge Tunisia to:

- Ensure that the 2% quota of employability of persons with disabilities is respected in the public and private sector and use a gender-based approach to monitor gender equality in the allocation of those quota.
- Provide financial support and housing to women in need without discrimination on the basis of their sexual orientation and gender identity.
- Implement human rights trainings for employers in the public and private sector to fight racial and gender-based discrimination when accessing the job market to ensure equality of opportunities.

¹⁶ Preliminary observations on the visit to Tunisia by the Independent expert on protection against violence and discrimination based on sexual orientation and gender identity

¹⁷ Beity, Le logement, miroir et vecteur de discriminations à l'égard des femmes, <https://beity-tunisie.org/?p=2491>

¹⁸ Minority Rights International, <https://minorityrights.org/programmes/library/trends/trends2022/northafrica/>