



TUNISIA

Joint Stakeholder Report for the United Nations Universal Periodic Review

Submitted by **The Advocates for Human Rights**,

a non-governmental organization in special consultative status with ECOSOC
and

MRA Mobilising for Rights Associates,

a non-governmental organization based in Rabat, Morocco

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The Advocates for Human Rights (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates’ Women’s Human Rights Program has published 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to implement new and existing laws on domestic violence effectively.

Mobilising for Rights Associates (“MRA”) is an international nongovernmental women’s rights organization based in Rabat and currently working in Morocco, Tunisia, and Libya. MRA collaborates with grassroots level women’s rights activists and organizations to promote women’s full enjoyment of their human rights through changes in laws, structures, relationships, and culture. Together with its partners, MRA creates and implements long-term strategies to address the diverse causes of discrimination against women and develop meaningful, effective solutions. Its multidimensional strategies include popular human rights education, legal accompaniment, cause-lawyering, action-research, national law reform, and international advocacy. By engaging with local actors at different levels, MRA fosters micro-level changes in culture and relationships to support activism for macro-level legal and institutional reform.

EXECUTIVE SUMMARY

1. Violence against women in Tunisia remains widespread and systemic. Though the December 2010-January 2011 revolution brought about reform for women's rights, there is a general perception that violence against women has increased since the revolution, with high rates of both domestic violence as well as violence against women in public places. The Act on Violence Against women includes reform to key articles of the Penal Code but the application of the new law to situations of domestic violence remains limited both by the language of the law and in its implementation. Further, sexual relationships between unmarried persons remain illegal in Tunisia, creating barriers to women reporting violence committed in non-marital intimate relationships.
2. Under the Personal Status Code, victims of domestic violence face barriers to obtaining divorce. While polygamy is illegal under Tunisian law, the growing practice of customary or *orfi* marriages which may be used as a means of circumventing the formal system to create a polygamous marriage.
3. Tunisia recently amended its legislation to combat sexual harassment, but sexual harassment in both the workplace and in public places remains a widespread problem in Tunisia. Human trafficking also remains a significant problem in Tunisia.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

2017 Universal Periodic Review of Tunisia

4. Tunisia was reviewed by UPR Working Group 27 in May of 2017. It received 248 recommendations and it supported 189 recommendations at the adoption of its UPR outcome at Human Rights Council 36, in September 2017. Seventy-one recommendations supported by Tunisia related to gender equality and women's rights.¹

Equality and Non-discrimination (Theme B31)

Status of Implementation: Accepted, Not Implemented

5. During the 2017 Universal Periodic Review, Tunisia supported 14 recommendations related to related to gender equality and discrimination.² Tunisia also accepted 3 recommendations related to the Personal Status Code.³ In addition, Tunisia rejected several recommendations related to granting women equal inheritance and family rights.⁴
6. Under the Personal Status Code, victims of domestic violence face barriers to obtaining divorce. Personal Status Code article 31 provides that either spouse may seek a fault-based divorce on the grounds of material or non-material harm caused. Judges will interpret harm as including domestic violence, in addition to considering such violence as a breach of Personal Status Code Article 23 requirements that spouses treat each other with care and maintain good relations. In theory, women victims of domestic violence can file for a fault-based divorce and obtain alimony, a housing allowance, and compensation for damages.

In practice, however, high evidentiary requirements of either a confession by the offender or a medical certificate create barriers to women seeking divorce on these grounds. Additionally, judges generally will not grant this type of divorce unless there is a criminal conviction first.⁵

7. While polygamy is illegal under Tunisian law, the UN Working Group on discrimination against women in law and practice has expressed concern about the growing practice of customary or *orfi* marriages which may be used as a means of circumventing the formal system to create a polygamous marriage.⁶ Concluded verbally and without a written contract, such marriages frequently occur in rural areas distant from the public administration. They place women in vulnerable situations when the “husband” abandons them and their children with no rights stemming from legal marriage. The practice has increased since the revolution, including among well-educated and urban Tunisians,⁷ reaching as many as 1200 marriage contracts in 2018.⁸

Domestic violence (Theme D29); Violence against women (Theme F13)

Status of Implementation: Accepted, Not Implemented

8. During the 2017 Universal Periodic Review, Tunisia accepted 26 recommendations related to ensuring the comprehensive and effective protection of women from violence.⁹ Tunisia also supported several recommendations specifically related to rape, including marital rape.¹⁰
9. Tunisia also rejected a recommendation from Finland to address “all sexual and gender based-violence and discrimination, especially against women, by reforming the Criminal Code and Personals Status Code to bring it into line with the Convention on the Elimination of All Forms of Discrimination against Women, including by criminalizing marital rape and abolishing provisions allowing a perpetrator of sexual violence to escape prosecution by marrying their victim.”¹¹
10. Violence against women is a widespread problem in Tunisia. **In 2016, 53.5% of women who participated in a survey reported that they experienced violence in public places.**¹² 78% reported psychological violence, 75.4% reported sexual violence, and 41.2% reported physical violence. Furthermore, 60 percent of women in Tunisia experienced domestic violence.¹³ Though the December 2010-January 2011 revolution brought about reform for women’s rights, there is a general perception that violence against women has increased since the revolution. Some sources attribute the increase to the rise of extremist Islamist ideologies in Tunisia,¹⁴ and corresponding attitudes among the police and others that women are responsible for violence inflicted upon them if they dressed a certain way or were in the “wrong” place.¹⁵
11. **The Act on Violence Against women includes reform to key articles of the Penal Code.**¹⁶ One provision of the Act eliminates the possibility of impunity for rape if a perpetrator marries the victim. According to the Tunisian government, while the act does not specifically include the terms “marital rape” or “domestic violence,” they are criminalized within more general articles prohibiting violence against women, irrespective

of the perpetrator. Penalties increase for criminal offenses such as assault or rape perpetrated against a family member.

12. Article 15 of the Act amended Penal Code article 227 to define rape as any act of sexual penetration, regardless of the nature of the penetration or the means by which it was achieved, committed against either a man or a woman, without that person's consent. Article 227 makes rape punishable with life imprisonment if committed with violence or a weapon or against anyone under the age of 16. The article sets the age of consent at 16 years old.¹⁷
13. It also created a new "crime of aggression against the intimate partner with repeated verbal or psychological violence that harms the dignity or physical or psychological safety of the victim, punishable with 6 months to 1 year."¹⁸
14. **Despite progress, the application of the new law to situations of domestic violence remains limited both by the language of the law and in practice.** Articles 218, 219 and 319 apply only in situations of physical violence, excluding psychological and economic violence. The penalties for psychological and economic violence in Articles 224 bis, 18, and 19 are not sufficient to deter perpetrators.
15. The new legislation applies only to violence committed between "spouses, ex-spouses, fiancés and ex-fiancés, and does not provide protection for violence that occurs between unmarried intimate partners.
16. **Sexual relationships between unmarried persons remain illegal in Tunisia, creating barriers to women reporting violence committed in non-marital intimate relationships.** Penal code provisions criminalizing sexual relations outside of marriage prevent women from reporting intimate partner violence. Penal Code article 226 punishes "public indecency" by six months' imprisonment and a fine of 48 dinars, a provision applied in practice to sanction unmarried couples, while article 236 punishes adultery with five years imprisonment and a 500 dinar fine.¹⁹ In addition, Article 36 of law n ° 57-3 of August 1, 1957 regulating civil status punishes concubinage – unmarried persons cohabitating – with three to six months imprisonment.
17. Tunisian NGOs in several towns reported that women in intimate cohabitating or dating relationships will not **report** violence to the authorities out of fear of being arrested themselves.²⁰
18. In September 2018, two young high school students (a boy and a girl) were tried on the basis of articles 226 and 226bis of the Tunisian Penal Code for "indecency" after a school guard discovered them kissing.²¹
19. Implementation **of the new legislation is also lacking.** Of 35,988 cases of violence against women and girls registered with the Directorate General of Public Security in 2019, legal proceedings were initiated in 8,198 of those cases, and 515 perpetrators arrested.²² In one recent example, a woman was shot dead by her husband two days after she attempted to file a complaint against him. Although the police transferred her complaint to the judiciary, the judiciary failed arrest her husband and failed to put protective measures in place.²³
20. **Remedies available to victims under new legislation are insufficient to protect them from further harm.** Article 33 of the Act on Violence Against Women provides some

protective measures for victims of domestic violence. Remedies include both a no-contact order and orders for protection. Article 34 of the same act, however, limits all protective orders to six months, and provides for only one additional protective order of the same duration. Victims effectively receive protection for a year at most.²⁴

21. **Very few women victims of violence in Tunisia report the violence to the authorities.** Between 2016 and 2017, while the Ministry of Justice received 5,569 complaints of violence against women, over half of them did not make it to court or were dropped altogether.²⁵ Likewise, only 3.6% of women identified the police and health system institutions respectively as sources of assistance they would seek.²⁶ Women reported a lack of trust and confidence in the justice system.²⁷ Women also do not report domestic violence and rape due to social and cultural pressures, including the traditionally taboo nature of violence against women, a concern to protect the image and reputation of the victim's family, and the fear of ending up homeless.²⁸
22. **Due to both legal and societal pressures, women often do not report sexual violence.** Convictions for sexual violence are far below the number of actual incidents. Penal code provisions criminalizing sexual relations outside of marriage discourage women from reporting rape,²⁹ out of fear of being arrested themselves.
23. **Violence against women in Tunisia has “only increased with the onset of the Covid-19 pandemic.** The Ministry of Women announced that in 2020 alone there were seven times more gender-based violence cases compared to previous years.”³⁰ In March 2020, due to Covid-19, the Supreme Judicial Council postponed all non-emergency civil hearings, this postponement includes family law cases.³¹ In addition, “According to the UN Entity for Gender Equality and the Empowerment of Women, helplines and shelters for survivors of violence reported a sharp increase in calls for help and requests for emergency shelter during the pandemic. Between 23 March and 31 May, 9,800 calls were recorded on the Ministry of Family's toll-free numbers, nine times more than usual. Of these, 2,700 concerned cases involving violence. According to women's rights organizations, police failed in many cases to provide the necessary response to women at risk of domestic violence during lockdown.”³²
24. **Tunisia also fails to protect women from sexual harassment. Sexual harassment is a widespread problem in Tunisia.** Between 2011 and 2015, 70 to 90 percent of women who participated in a study reported sexual harassment, especially on public transportation.³³ Reporting rates and prosecutions are also low due to a culture of victim blaming and harmful stereotypes.
25. **Tunisia recently amended its legislation to combat sexual harassment.** Sexual harassment is punishable with two years' imprisonment and a 5000 dinar fine under Article 226 bis of Tunisia's Penal Code, as amended in 2016. The amended article doubles the penalty for sexual harassment if the victim is a child or a descendant of the offender.³⁴ The 2017 VAW Act also removed key articles of the Criminal Code, including Article 226 quarter which allowed someone accused of sexual harassment to sue the victim.³⁵
26. **Women experience sexual harassment in the workplace.** In a survey of rural women working in agriculture, the Tunisian Association of Democratic Women found that women reported not only work-related health problems, but also sexual and other forms of

harassment as well as physical, verbal, and psychological violence. One in five women reported that they experienced domestic violence at work, with 47.1% reporting verbal abuse and 29.4% reporting physical violence by their spouse.³⁶

Prohibition of slavery, trafficking (Theme D27)

Status of Implementation: Accepted, Not Implemented

27. During the 2017 Universal Periodic Review, Tunisia supported 4 recommendations related to related to human trafficking.³⁷
28. In August 2016, Tunisia passed Organic law n°2016-61, which aims to prevent and combat trafficking in persons.³⁸ In its sixth periodic report to the UN Human Rights Committee, Tunisia outlined the National Strategy to Combat Trafficking in Persons for the years 2018 to 2023. According to the report, the strategy “facilitates the adoption of a comprehensive approach to trafficking, particularly in terms of implementing protection measures and providing assistance to victims. It also provides for the establishment of a database on trafficking in persons to facilitate the activities of the Authority.” Tunisia also provided information on training to stakeholders, including judges, members of the law enforcement, and government officials.³⁹
29. Human trafficking is a significant problem in Tunisia. There were 780 victims of trafficking in 2018 and 742 victims in 2017. In 2017 and 2018, there were 430 cases of trafficking, including 336 involving women victims. 58 of these 430 cases were referred to the judiciary.⁴⁰

II. RECOMMENDATIONS FOR THE GOVERNMENT OF TUNISIA

30. The Advocates for Human Rights and Mobilising for Rights Associates suggest the following recommendations for the government of Tunisia:

31. Relating to the Act on Violence Against Women

- Increase the penalties for political, psychological, and economic violence in order to adequately hold perpetrators accountable.
- Expand the scope of relationships covered by the law that are not limited to spouses in legal marriage.
- Provide for protective orders lasting longer than six months and allow judges to issue more than two orders for protection in total.

32. Relating to Implementation of the Act on Violence Against Women

- Collect data and provide statistics on the numbers of women prosecuted for sexual relations outside of marriage.
- Provide adequate funding for specialized units of the National Security, the domestic violence telephone hotline, counselling services for victims, and shelters provided for in

the legislation

- Provide education to rural communities about the Act and the protections they are entitled to under new legislation.
- Ensure that inter-agency task forces that create a coordinated community response to domestic violence are established and adequately funded to provide for effective services.

33. **Relating to the Penal and Personal Status Codes**

- Amend the Penal Code and Civil Status Code provisions in order to abolish in both law and practice criminal prosecutions for consensual sexual relations outside of marriage.
- Amend Personal Status Code article 23 to eliminate the requirement that spouses “fulfill their conjugal duties according to practice and customs.”

34. **Recommendations Related to the Justice and Legal Sectors**

- Tunisia should ensure that the State adequately and consistently supports and funds NGOs to continue regular trainings on women's human rights, domestic violence, and implementation of the law for police, prosecutors, judges, social services, and child protection authorities.
- Tunisia should increase the coordinated community response among NGOs, police, courts, the DSA, health care providers and the media.

35. **Recommendations Related to Funding for Domestic Violence Work**

- Tunisia should continue to provide NGOs with sufficient and regular funding to realistically carry out their work on domestic violence and trainings.

36. **Recommendations Related to Public Education and Prevention**

- Tunisia should support comprehensive prevention programs and educational programs in schools and other community organizations to change the public attitude toward domestic violence.

37. **Recommendations Related to Access to Safe Housing and Shelter**

- Ensure that the standard of providing a shelter/safe place for every 10,000 members of the population, located in both rural and urban areas, capable of accommodating complainant/victims and their children is upheld.
- Strengthen the current legal framework with respect to NGO-run shelters for women victims of violence. Increase the support that the government provides to these NGO-run shelters.

38. **Recommendations Related to Human Trafficking**

- Increase the coordinated response among NGOs, police, courts, and health care providers to trafficking in order to more effectively identify and treat victims of trafficking.
- Ensure that cases of trafficking are properly investigated and prosecuted.

¹ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶¶ 125.1, 125.5, 125.6, 125.7, 125.8, 125.13, 125.20, 125.25, 125.26, 125.44, 125.59, 125.60, 125.80, 125.81, 125.82, 125.107, 125.121, 125.124, 125.129, 125.130, 125.131, 125.133, 125.134, 125.135, 125.136, 125.137, 125.138, 125.139, 125.140, 125.141, 125.142, 125.143, 125.144, 125.145, 125.146, 125.147, 125.148, 125.149, 125.150, 125.151, 125.152, 125.153, 125.154, 125.155, 125.156, 125.157, 125.160, 125.161, 125.162, 125.163, 125.164, 125.165, 125.166, 125.167, 125.168, 125.169, 125.170, 125.171, 126.3, and 126.6.

² *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 125.6 (“Align the legislative amendments to the Constitution with the Convention on the Elimination of All Forms of Discrimination against Women, reforming the laws that are discriminatory to women” (Uruguay)); ¶ 125.26 (“Harmonize legislation that discriminated against women with the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women” (Kyrgyzstan)); ¶ 125.44 Continue efforts to promote gender equality (Jordan); ¶ 125.129 (“Continue to promote women’s rights, especially in rural areas” (Djibouti)); ¶ 125.130 (“Focus on human rights in general and the rights of women in particular”) (Oman); ¶ 125.132 (“Adopt legislative and policy measures to combat discrimination on the basis of gender and against children and persons with disabilities” (Chile)); ¶ 125.133 (“Provide material and moral support for the Centre for Research, Studies, Documentation and Information on Women in order to preserve and promote the rights of women in Tunisia” (United Arab Emirates)); ¶ 125.135 (“Reinforce its national policy for gender equity and equality” (Côte d’Ivoire)); ¶ 125.136 (“Align national legislation with international instruments on the protection of the rights of women and in favour of the principle of gender equality, in particular by promoting access for women to jobs, increasing their participation in political and economic life and ensuring wage equality between men and women” (Mexico)); ¶ 125.138 (“Eliminate all legislative provisions that perpetuate discrimination against women and adopt a comprehensive law on violence against women”) (Spain); ¶ 125.156 (“Intensify efforts to bring domestic legislation in line with international standards to combat all forms of violence and discrimination against women and girls” (Georgia)); ¶ 125.167 (“Introduce positive discrimination measures to promote women’s access to work” (Ukraine)); ¶ 125.169 (“Continue reinforcing and promoting women’s rights and women’s participation in cultural, social and economic life” (Egypt)); and ¶ 125.171 (“Continue efforts to improve the status of women and promote gender equality at all levels, thereby enhancing women’s contribution to the development process (Sri Lanka)”.

³ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 125.13 (“Ensure the compliance of its legislation, especially the Code of Personal Status and the Criminal Code, with articles 21 and 46 of its Constitution and international human rights obligations” (Switzerland)); ¶ 126.3 (“Repeal the provisions of the Personal Status Code which prohibit the children of women who have remarried from living with them” (Canada)) and ¶ 127.51 (“Eliminate all forms of discrimination against women, including by amending the Personal Status Code to grant equal inheritance rights to women and by repealing the circular from 1973 to allow women to marry non-Muslim spouses” (Germany)).

⁴ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 127.51 (“Eliminate all forms of discrimination against women, including by amending the Personal Status Code to grant equal inheritance rights to women and by repealing the circular from 1973 to allow women to marry non-Muslim spouses” (Germany)); ¶ 127.52 (“Fully eliminate discrimination between women and men with regard to inheritance rights” (Poland)); and ¶ 127.53 (“Improve gender equality both in legislation and practice, including by granting men and women equal property and family rights” (Republic of Korea)).

⁵ *Etat du Droit Tunisien sur les violences faites aux femmes et aux filles*, UNFPA and the Secrétariat d’Etat pour la Femme et la Famille (Tunis, December 2013), http://www.unfpa-tunisie.org/images/stories/2014/publication/Publication%20Etude%20violence%202014_f.pdf.

⁶ Human Rights Council, *Report of the Working Group on the issue of discrimination against women in law and in practice: Mission to Tunisia*, (May 30, 2013), U.N. Doc. A/HRC/23/50/Add.2 ¶ 12.

⁷ *Tunisia: ‘orfi’ or temporary marriage making a comeback*, Gagrule, Oct. 1, 2013, <http://www.gagrule.net/tunisia-orfi-or-temporary-marriage-making-a-comeback/>.

⁸ *Tunisie: 900 mariages ‘orfi’ parmi les étudiants*, Réalités Online, Mar. 8, 2019, <https://www.realites.com.tn/2019/03/tunisie-900-mariages-orfi-parmi-les-etudiants/>.

⁹ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 125.7 (“Accelerate the alignment of national legislation with a bearing on human rights to the new Constitution, which was adopted in 2014, including provisions relating to the prevention and criminalization of violence against women and children” (Zimbabwe)); ¶ 125.13 (“Ensure the compliance of its legislation, especially the Code of

Personal Status and the Criminal Code, with articles 21 and 46 of its Constitution and international human rights obligations” (Switzerland)); ¶ 125.59 (“Pass comprehensive and specific legislation on violence against women that contains both criminal and civil provisions” (Zambia)); ¶ 125.60 (“Establish within the new law civil remedies, including comprehensive protection orders that are part of the Code of Civil Procedure, instead of being integrated into the Criminal Code” (Zambia)); ¶ 125.134 (“Continue consolidating the National Prevention Strategy to sanction all forms of exploitation, especially against women, to protect victims and provide them with assistance” (Bolivarian Republic of Venezuela)); ¶ 125.138 (“Eliminate all legislative provisions that perpetuate discrimination against women and adopt a comprehensive law on violence against women” (Spain)); ¶ 125.139 (“Promote legislation that is in keeping with the Convention on the Elimination of All Forms of Discrimination against Women, including on preventing violence against women” (Japan)); ¶ 125.140 (“Work toward eliminating any loopholes in national legislation that might undermine the protection of women’s rights and the principle of gender equality, including on domestic violence and marital rape” (Rwanda)); ¶ 125.142 (“Adopt a comprehensive law on violence against women and girls that addresses the importance of consent and provides adequate protection for victims and appropriate penalties for perpetrators” (Sweden)); ¶ 125.144 (“Continue its efforts to fight discrimination and violence against women” (Turkey)); ¶ 125.145 (“Put in place specific legislation to address violence against women, which to date remains generally covered under the Criminal Code” (Uganda)); ¶ 125.146 (“Expedite the adoption of the law to combat violence against women” (Ukraine)); ¶ 125.148 Strengthen existing legislation to effectively eliminate gender-based violence, including domestic violence, with a view to better protecting victims and holding perpetrators accountable (Austria); ¶ 125.149 (“Continue to address violence against women including measures to ensure that domestic violence and rapes are duly reported” (Bangladesh)); ¶125.150 Accelerate the adoption of a general law on violence against women and girls criminalizing all forms of violence, including domestic violence and marital rape and guarantee access to justice (Belgium); ¶ 125.152 (“Adopt specific legislation aiming at the elimination of violence against women, in line with international standards, which adequately addresses the dimensions of prevention, protection and assistance” (Brazil)); ¶ 125.155 (“Take the necessary measures to combat violence against women and discrimination in employment” (France)); ¶ 125.156 (“Intensify efforts to bring domestic legislation in line with international standards to combat all forms of violence and discrimination against women and girls” (Georgia)); ¶ 125.158 (“Adopt a comprehensive law on combating all forms of violence against women, including domestic violence and marital rape” (Honduras)); ¶ 125.159 Expedite the adoption of the law to combat violence against women (Kyrgyzstan); ¶ 125.160 (“Expedite the adoption of the law to combat violence against women and ensure that it makes all forms of violence against women a criminal offence, including domestic violence and marital rape, and amend the provisions of the Criminal Code in order to eliminate any possibility of impunity for the perpetrators of violence against women” (Liechtenstein)); ¶ 125.161 (“Train members of the judiciary and law enforcement officials to make them aware of all types of violence against women, and strengthen public awareness campaigns” (Liechtenstein)); ¶ 125.162 Pursue the process of adoption of the basic law concerning the elimination of violence against women (Morocco); ¶ 125.163 (“Adopt laws that criminalize all forms of violence against women and girls and review criminal procedures to end impunity for such violations” (Portugal)); ¶ 125.164 Ensure the swift implementation and enforcement of legislation criminalizing all forms of violence against women, including domestic violence (Sierra Leone); ¶ 125.165 Adopt a comprehensive national policy on the protection of women against all forms of violence and the creation of a supportive environment for women victims of violence by reviewing and strengthening the legal framework (South Africa); and ¶ 125.166 Adopt the comprehensive law on violence against women and girls (Central African Republic).

¹⁰ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 125.140 (“Work toward eliminating any loopholes in national legislation that might undermine the protection of women’s rights and the principle of gender equality, including on domestic violence and marital rape” (Rwanda)); ¶ 125.143 (“Amend or repeal articles 227 and 239 of the Criminal Code to explicitly criminalize marital rape and redefine rape in line with international standards” (Sweden)); ¶ 125.147 (“Amend the Criminal Code to abolish provisions allowing a perpetrator of sexual violence to escape prosecution by marrying the victim or allowing the prosecution, trial or execution of the sentence to be dropped when the victim retracts the complaint and explicitly criminalize marital rape” (Zambia)); ¶125.150 Accelerate the adoption of a general law on violence against women and girls criminalizing all forms of violence, including domestic violence and marital rape and guarantee access to justice (Belgium); ¶ 125.151 (“Repeal articles 227 bis and 239 of the Criminal Code to prevent perpetrators of rape and abduction from avoiding prosecution by marrying their adolescent victims” (Belgium));

¶ 125.153 (“Repeal article 227 of the Tunisian Criminal Code, which allows rape offenders to escape justice if they marry their victims” (Canada)); ¶ 125.157 (“Amend the Criminal Code to explicitly criminalize marital rape, to abolish provisions allowing a perpetrator of sexual violence to escape prosecution by marrying the victim (Criminal Code, article 227 bis)” (Germany)); and ¶ 125.158 (“Adopt a comprehensive law on combating all forms of violence against women, including domestic violence and marital rape” (Honduras)).

¹¹ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 127.50.

¹² Centre de Recherches, d’Etudes de Documentation et de l’Information sur la Femme, *La Violence Fondée sur le genre dans l’espace public en Tunisie*. (February 2017).

http://www.credif.org.tn/images/livre_flash/volence/mobile/html5forpc.html (Accessed December 31, 2019)

¹³ Lilia Blaise, *Tunisia Takes a Big Step to Protect Women from Abuse*, New York Times, Aug. 1, 2017, Available online at <https://www.nytimes.com/2017/08/01/world/africa/tunisia-women-domestic-violence.html>.

¹⁴ *Expérience et vécu des femmes survivantes à la violence conjugale dans les régions du Kef, Béja et Jendouba : résultats d’une étude qualitative* (Office national de la famille et la population, 2015),

http://www.onfp.nat.tn/liens/violence_nord_ouest_resultats_2015.pdf. See also, Euro-Mediterranean Human Rights Network, *Violence against Women in the context of Political Transformations and Economic Crisis in the Euro-Mediterranean Region: Trends and Recommendations towards Equality and Justice*, (Mar. 6, 2014), 25.

<http://euromedrights.org/publication/violence-against-women-in-the-context-of-political-transformations-and-economic-crisis-in-the-euro-mediterranean-region/>;

Ikhlaf Latif, *New Law Pushes Tunisia to Protect Women*, Al Monitor, Jun. 28, 2014,

<http://www.al-monitor.com/pulse/culture/2014/08/tunisia-women-victim-gender-based-violence.html#>.

¹⁵ Communication from local Tunisian activists to MRA (February 2016), on file with authors.

¹⁶ Loi organique no. 2017-58 du 11 aout 2017, relative a l’élimination de la violence à l’égard des femmes, Art. 227 (2018), <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>. Article 46 of the January 2014 Constitution provides in part that the “[S]tate shall take all necessary measures in order to eradicate violence against women.” La Constitution de la République Tunisienne (2014), art. 46.

¹⁷ Loi organique no. 2017-58 du 11 aout 2017, relative a l’élimination de la violence à l’égard des femmes, Art. 227 (2018), <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>.

¹⁸ Loi organique no. 2017-58 du 11 aout 2017, relative a l’élimination de la violence à l’égard des femmes, Art. 15 (2018), <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>.

¹⁹ Penal Code article 231 criminalizing prostitution is also often broadly interpreted and applied to unmarried couples.

²⁰ Communication from local Tunisian activists to MRA (January 2019), on file with authors.

²¹ Le Collectif Civil pour les Libertés Individuelles (CCLI), *Etat des Libertés Individuelles 2018*, (Tunis, March 2019).

²² U.N. International Covenant on Civil and Political Rights, *Sixth periodic report submitted by Tunisia under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, U.N. Doc. CCPR/C/TUN/6. (28 June 2019) ¶ 111.

²³ Amnesty International, “The tragic Truth About Domestic Violence” May 21, 2021,

<https://www.amnesty.org/en/latest/news/2021/05/tunisia-tragic-truth-about-domestic-violence/> (last accessed March 22, 2022).

²⁴ Loi organique no. 2017-58 du 11 aout 2017, relative a l’élimination de la violence à l’égard des femmes, Art. 33, 34 (2018), <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>.

²⁵ Lilia Blaise, *‘I Can Finally Dream’: Tunisia Expands Protection for Battered Women*, New York Times, May 12, 2018, <https://www.nytimes.com/2018/05/12/world/africa/tunisia-womens-rights.html>.

²⁶ Office National de la Famille et de la Population, *Enquete Nationale sur la Violence a l’Egard des Femmes en Tunisie : Rapport de l’enquête* (Tunis, December 2010),

<http://www.medcities.org/documents/10192/54940/Enqu%C3%AAt+Nationale+Violence+envers+les+femmes+Tunisie+2010.pdf>.

²⁷ Office National de la Famille et de la Population, *Expérience et vécu des femmes survivantes à la violence conjugale dans les régions du Kef, Béja et Jendouba : résultats d’une étude qualitative* (Tunis, 2015),

http://www.onfp.nat.tn/liens/violence_nord_ouest_resultats_2015.pdf.

²⁸ Communication from local Tunisian activists to MRA (February 2016), (on file with authors).

²⁹ Penal Code articles 226 (public indecency) and 236 (adultery).

³⁰ Amnesty International, “The tragic Truth About Domestic Violence” May 21, 2021, <https://www.amnesty.org/en/latest/news/2021/05/tunisia-tragic-truth-about-domestic-violence/> (last accessed March 22, 2022).

³¹ Amnesty International, *World Report, 2020/2021*, p. 362.

³² Amnesty International, *World Report, 2020/2021*, p. 362.

³³ Lilia Blaise, *Tunisia Takes a Big Step to Protect Women from Abuse*, New York Times, Aug. 1, 2016, <https://www.nytimes.com/2017/08/01/world/africa/tunisia-women-domestic-violence.html>.

³⁴ Loi organique no. 2017-58 du 11 aout 2017, relative a l’élimination de la violence à l’égard des femmes, Art. 226 (2018) Available at <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>.

³⁵ Loi organique no. 2017-58 du 11 aout 2017, relative a l’élimination de la violence à l’égard des femmes (2018) Available at <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>.

³⁶ Association Tunisienne des femmes démocrates, *Enquete sur les conditions de travail des femmes en milieu rural* (September 2014), <http://femmesdemocrates.org.tn/bibliotheque-atfd/livre-pdf/livre%20français.pdf>.

³⁷ *Report of the Working Group on the Universal Periodic Review: Tunisia* (11 July 2017), U.N. Doc. A/HRC/36/5, ¶ 125.80 (“Continue efforts to implement the comprehensive national strategy against human trafficking adopted under Act No. 621 of 2016” (United Arab Emirates)); ¶ 125.81 (“Expand efforts to combat human trafficking and ensure protection for victims” (Jordan)); ¶ 125.82 (“Continue to strengthen measures to combat human trafficking and child labour” (Sri Lanka)); and ¶ 126.6 (“Take measures in order to strengthen the mechanisms to detect, identify and assist vulnerable migrants at the border, including minors, potential asylum seekers and victims of trafficking” (Nigeria)).

³⁸ Organic law n°2016-61; MRA Report 2021, p.11.

³⁹ International Covenant on Civil and Political Rights, *Sixth periodic report submitted by Tunisia under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (28 June 2019), U.N. Doc. CCPR/C/TUN/6 ¶ 189.

⁴⁰ International Covenant on Civil and Political Rights, *Sixth periodic report submitted by Tunisia under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (28 June 2019) U.N. Doc. CCPR/C/TUN/6 ¶ 195.