

MARSADNISSA: Analyzing gender justice and judicial stereotypes in Tunisia

مرصد-نسا: قراءة تحليلية حول عدالة النوع الاجتماعي والتمييزات القضائية في تونس



MARCH 2021



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Mobilising for Rights Associates or MRA - “woman” in Arabic - is an international non-profit organization based in Rabat and working across the Maghreb. Our mission is to contribute to changes in four domains - laws, structures, culture and relationships - to promote women’s human rights. We work for grassroots, micro-level changes in behaviors and practices to support our activism for macro level reform initiatives. Our multidimensional strategies are designed for various layers of sustainable transformation for women.

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This report is part of our initiative to *Promote Women’s Rights in Tunisia through a Participatory On-Line National Court Decision Observatory*. It was written originally in Arabic by Mounira Balghouthi, MRA Tunisia Coordinator, and edited by Saida Kouzzi (original Arabic) and Stephanie Willman Bordat (English translation), MRA Founding Partners. Both the Arabic and English versions of the report are available in PDF on the MRA website.

thank you

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Acronyms

ARFRJ: Rayhana for rural woman, Jendouba
ADDCI: Zarzis Association for sustainable development and international cooperation
ATFD: Tunisian Association of Democratic Women
CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
CRFFEK: Woman Regional Commemorate of Kairouan
CSP: Personal Status Code
FDS: Faculty of Law, Sfax
FDSPT: Faculty of Law and Political Sciences of Sousse
GBV: Gender-based violence
GYLOM: Global Young Leaders Organization Metlaoui
ICCPR: International Covenant on Civil and Political Rights
INMA: INMA of Social Solidarity and Ameliorative Work
ISEJPK: Higher Institute of Legal and Political Studies of Kairouan
LTDH: Tunisian League for Human Rights
MRA: Mobilising for Rights Associates
UGTT: Tunisian General Labor Union
UNFT: National Union of Tunisian Women
VAW: Violence against women

EXECUTIVE SUMMARY

This report presents the results of a four year initiative to develop and implement an online Observatory of domestic court decisions in women's rights cases in Tunisia, <https://www.marsadnissa.tn>

Through the support of the Royal Norwegian Embassy in Algiers¹ and the Embassy of the Kingdom of the Netherlands in Tunis,² MRA Mobilising for Rights Associates designed this initiative with the goal of expanding access to justice for women in Tunisia through the creation of a participatory, practical tool for research, monitoring and advocacy on women's rights in local courts.

This Tunisia Observatory built on previous experiences developing and implementing a similar on-line database of local court decisions on women's rights in Morocco, at <http://marsadnissa.ma/>

Specifically, this initiative aimed to encourage the application by courts of international human rights standards and new constitutional provisions on women's rights; to facilitate the exchange of information and strategies among legal and justice sector professionals, local associations and other stakeholders; and to create public expectations of transparency, accountability and responsiveness in the justice system's treatment of women's rights cases.

The Tunisian online Observatory is the result of collective, community-based efforts, involving a wide range of participants, including activists, non-governmental organizations, lawyers, academics, and public actors in various urban and rural regions across Tunisia.

¹ The Royal Norwegian Embassy in Algiers generously supported Phase One of this project from September 2016 – October 2017.

² The Embassy of the Kingdom of the Netherlands in Tunis generously supported Phase Two of this project, from January 2019 – March 2021. This report focuses primarily on the activities and results of this second phase of the project.

During the first phase of this project (2016-2017), MRA collaborated with the ATFD (Kairouan and Sfax sections), Association Voix d'Eve (Sidi Bouzid) and a working group of lawyers in Tunis to design and launch the on-line Observatory through a series of local strategic planning meetings, four regional level community consultations with 80 diverse local stakeholders, participatory design and building of the website platform with the four key partners, a national training workshop for 20 Observatory editors, and a national launch conference in Tunis to present the online platform to national media, civil society, and public actors.

During the second phase of this project (2019 – 2021), the network of key partners grew to include Association Mouwatinet (Sfax), the Association of Rural Women of Jendouba, and the Association for Sustainable Development and International Cooperation in Zarzis. In addition, the law schools of Jendouba, Kairouan, Sfax and Sousse agreed to be partners in this initiative. This promoted the integration of a broad and large group of young law students into the initiative, providing vital training for the next generation of legal professionals on gender analysis and judicial stereotyping.

A series of local technical workshops mobilized and trained participants on how to use the website platform, and code and upload court decisions into the database. A second series of national and regional training workshops focused on the gender analysis approach and judicial stereotyping in court decisions.

Part One of this report documents the project outputs and strategy, providing an overview of the Observatory's objectives, international and national legal context, and main activities.

Part Two of this report presents the project outcomes and observations. It provides an overview of the court decisions uploaded to date into the Observatory, and presents an initial gender analysis of selected court decisions, based on both international standards for women's human rights and the Tunisian legal framework.

STRATEGY AND OUTPUTS

1. Observatory Description

The www.marsadnissa.tn/ online Observatory of domestic court decisions in women's rights cases in Tunisia is intended to be a participatory dynamic and practical tool for research, monitoring and advocacy on women's rights in the justice system. The multi-lingual platform (Arabic, French and English) and multi-criteria search engine permits users to access a database with a diversity of local court decisions – whether positive or for women's rights - issued by local courts throughout Tunisia. The Observatory includes a broad range of women's rights cases rendered by different levels of jurisdictions and all types of chambers from diverse geographic areas across the country. It is designed to serve as a practical tool for lawyers, judges, decision makers, researchers, activists and other stakeholders concerned with women's rights in the justice system.

The Observatory home page has sections that describe the Observatory goals and partners, as well as links to additional useful resources. A “User Guide” explains in detail how users can access information and participate in the three Observatory features:

Judicial Decisions: Here users can conduct a free search of judicial decisions related to women's rights in domestic Tunisian courts, based on a diversity of possible criteria. These include case name, date the case was filed or decided, key words, type of case, town/city name, judicial district, level of the court, court or chamber, name of the judge, gender of the judge, and laws cited (included international conventions). Each case also contains a brief analytical summary as well as the complete decision uploaded as a PDF file.

Model Pleadings: This section shares templates and examples of model pleadings and arguments that can be used by lawyers to creatively argue women's rights in domestic litigation.

Share a Court Decision: Here users who have created a free account may upload and share court decisions. Information is entered into fields corresponding to the search criteria mentioned above; contributors also write an analytical summary of the case according to a provided template, and upload the entire decision in an attached document. Publication of court decisions must respect the terms and conditions outlined on the platform, including the accuracy and credibility of the court decision, and no personal commentary in the summary or content of the decree; avoiding misrepresentation of the content of the decision; and deleting parties' personal information. Publication in the Observatory is subjected to the approval and is at the discretion of the site's management in order to ensure transparency, credibility and respect of procedures.

2. Justification and context

A. International standards

Under international human rights Law, States have an obligation not only to ensure a legislative framework necessary to give effect to human rights,³ but also ensure that those rights are guaranteed in practice. In addition to legislative action, the State must take effective judicial, institutional, educational and other measures to fulfill their obligations.⁴ In cases of crimes, States must undertake effective investigations and bring perpetrators of crimes to justice.⁵ Tunisia, as a party to most international and regional treaties,⁶ is obligated to adopt such measures.⁷

³ See, for example, article 2 (2) of the ICCPR and article 2 of the CEDAW.

⁴ The Human Rights Committee states that article 2 of the International Covenant on Civil and Political Rights urges States to "take appropriate legislative, judicial, administrative, educational and other measures with a view to fulfilling their legal obligations". This includes raising awareness of rights and providing legal platforms to ensure respect of these rights. General comment no. 31 The nature of the general legal obligation imposed on States Parties to the Covenant, para.7.

⁵ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, paragraph 4. See also Human Rights Committee General Comment No. 31, paras. 15 and 18.

⁶ International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention for the Protection of All Persons from Enforced Disappearance, CEDAW, African Charter on Human Rights.

⁷ General Human Rights Committee comment No. 31, paragraph 78.

The Universal Declaration of Human Rights established the principle that “(e)veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”⁸ This right has been subsequently recognized in numerous international and regional conventions to which Tunisia is a State party.⁹ Judicial remedies must be prompt and effective,¹⁰ and must be achieved through fair and impartial procedures,¹¹ which requires that the jurisdiction that considers the violation be independent and not subject to interference by the authorities.¹²

The CEDAW Committee has further detailed the implications of these State obligations as concerns women’s human rights.

“States parties must address all aspects of their legal obligations under the Convention to respect, protect and fulfill women’s right to non-discrimination and to the enjoyment of equality. The obligation to respect requires that States parties refrain from making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights. The obligation to protect requires that States parties protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority

⁸ Article 8.

⁹ International Covenant on Civil and Political Rights Article 2 (3), Convention against Torture Articles 13 and 14, and the African Charter on Human and Peoples’ Rights Article 7.

¹⁰ United Nations Human Rights Committee, General Comment No. 31, para. 15.

¹¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, paragraph 12.

¹² Article 14 (1) of the International Covenant on Civil and Political Rights.

*or superiority of either of the sexes, and of stereotyped roles for men and women.*¹³”

The CEDAW Committee has also stressed that States should be held responsible for the actions of both State and private actors, if the State fails to act with due diligence to prevent violations of rights, to investigate and punish acts of violence, and to provide compensation.¹⁴

As concerns women’s access to justice specifically, the CEDAW Committee has stressed that,

“(t)he right of access to justice for women is essential to the realization of all the rights protected under the Convention on the Elimination of All Forms of Discrimination against Women. It is a fundamental element of the rule of law and good governance, together with the independence, impartiality, integrity and credibility of the judiciary, the fight against impunity and corruption, and the equal participation of women in the judiciary and other law implementation mechanisms. The right to access to justice is multidimensional. It encompasses justiciability, availability, accessibility, good-quality and accountability of justice systems, and provision of remedies for victims.”¹⁵”

Likewise, the CEDAW Committee has emphasized that discrimination against women based on gender stereotypes has an adverse impact on women’s access to justice, and States have an obligation to remove such stereotypes.¹⁶

Thus, Tunisia's obligations to respect and protect human rights require that women’s right to access to justice be guaranteed, that

¹³ CEDAW General recommendation No. 28, paragraph 9.

¹⁴ CEDAW General recommendation No. 19, para. 9, CEDAW General recommendation No. 28, para. 13,

¹⁵ CEDAW General Recommendation no.33, paragraph 1

¹⁶ CEDAW General Recommendation no.33, ¶ 7, 8.

measures be taken to give effect to this right, and consequently that these human rights obligations be integrated into the Tunisian legal system.¹⁷

B. Tunisian legal framework

Numerous articles in the 2014 Tunisian Constitution¹⁸ provide for women's right to access to justice:

- The right to a fair trial within a reasonable period, to equality before the law, to a speedy trial, to defense, and to legal assistance to those without financial means.¹⁹
- Judicial authorities ensure that rights and freedoms are protected from all violations.²⁰
- "All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination."²¹
- "The state commits to protect women's accrued rights and works 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 in order to eradicate violence against women."²²

The development and implementation of the online <https://www.marsadnissa.tn/> Observatory coincided with the promulgation in Tunisia of new laws designed to promote women's rights. These include:

- Organic law n°2016-61 dated 3 August 2016, preventing and combating trafficking in persons²³;

¹⁷ See, for example, General Comment No. 31 of the Commission on Human Rights, paragraph 13, article 2 of (the CEDAW Convention, and CEDAW General recommendation No.28

¹⁸ Constitution de la République Tunisienne, Journal Officiel de la République Tunisienne, 20 avril 2015. Unofficial English translation at https://www.constituteproject.org/constitution/Tunisia_2014.pdf.

¹⁹ Article 108.

²⁰ Article 49.

²¹ Article 21.

²² Article 46.

²³ <http://www.legislation.tn/en/actualites/organic-law-n%C2%B02016-61-dated-3-august-2016-preventing-and-combatting-trafficking-persons>

- Organic law n°2017-58 dated 11 August 2017, eliminating violence against women;²⁴
- Organic law n°2018-50 dated 23 October 2018, eliminating all forms of racial discrimination;²⁵
- Gender sensitive budgeting, as provided for in article 18 of Organic Law No. 2019-15 of February 13, 2019, on the Organic Law of the State Budget.²⁶

Law 58 of 2017 on Violence against Women aims to eliminate physical, psychological, sexual, economic, and political violence against women, through a comprehensive approach based on prevention, prosecution and punishment of violent offenders, as well as protection and support for women.²⁷ The law marks a departure from the previous Penal Code philosophy that created impunity for certain crimes based on discrimination against women. The new law has increased punishments and eliminated previous dispositions allowing a rapist to avoid prosecution by marrying his under-aged victim.²⁸ As amended, article 227 sets the age of consent at 16 years old ²⁹ instead of the 13 years-old threshold, which previously justified a distinction between rape and consensual sexual intercourse and led to the commutation of the sentence. This law also extended the concept of rape to apply to both sexes, and established protective legal mechanisms and immediate intervention procedures to ensure women's physical, psychological, legal and social safety.

Other gains made by the 2017 law on violence against women include:

²⁴<http://www.legislation.tn/en/actualites/organic-law-n%C2%B02017-58-dated-11-august-2017-eliminating-violence-against-women>

²⁵<http://www.legislation.tn/en/actualites/organic-law-n%C2%B02018-50-dated-23-october-2018-eliminating-all-forms-racial-discrimination>

²⁶ Organic Law No. 2019-15 of February 13, 2019, on the Organic Law of the State Budget. Chapter 18 provides that Chapter 18 that "the budget is prepared on the basis of goals and indicators that guarantee equality and equal opportunities for women and men, and in general among all groups of society, without discrimination, and are subject to evaluation accordingly."

²⁷ Article one.

²⁸ Article 227 Bis of the Penal Code was repealed; this article had previously stipulated that the perpetrator's marriage to the victim stops the prosecutions or effects of the trial.

²⁹ Loi organique no. 2017-58 du 11 aout 2017, relative a l'élimination de la violence a l'égard des femmes, Art. 227 (2018), available at

<http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>

- expansion of the application on violence against women crimes to include not only current spouses, but also ex-spouses, fiancés and ex-fiancés;³⁰
- creation of an obligation to report violence against women;³¹
- inclusion of incest crimes in the Penal code and making it an aggravating circumstance in case of rape and sexual assault;³²
- authorization of the Family judge to issue protection orders against the perpetrator;³³
- provisions for the Ministries of Justice and of the Interior to develop integrated programs on combating violence against women in educational and training curricula in the institutions under their authority;³⁴
- allocation of separate spaces within the First Instance courts for at the level of the General Prosecution, Investigation and Family Judges specialized in cases of violence against women;³⁵
- the right to immediate shelter for women victims of violence;³⁶
- the right to adequate legal protection for women victims of violence;³⁷
- creation of specialized units for investigating violence against women crimes in every law enforcement precinct.³⁸

C. Practical context

This initiative was developed and implemented during a particular social and political context in Tunisia, marked by the repercussions of the transitional period on the country's political system, the exercise of individual and collective rights and freedoms, regional development and the achievement of social justice. This period was also marked by placing women's rights at the center of the legislative agenda. Basic laws that

³⁰ Article 16.

³¹ Article 14.

³² Article 15.

³³ Article 30 – 37.

³⁴ Article 10.

³⁵ Article 23.

³⁶ Article 13.

³⁷ Chapter Two of Law No. 58 of 2017 to protection - its measures, procedures and conditions.

³⁸ Article 24.

criminalize trafficking in persons and racial discrimination were also approved after the 2014 Constitution.

Despite their limitations, these new legal texts are revolutionizing the traditional patterns of male dominance and patriarchal segregation between the sexes. The new legal arsenal aims to be compatible with the universal nature of human rights and takes into consideration the intersection between discrimination, gender-based violence and economic and social vulnerabilities through refreshed legal concepts and innovative mechanisms.

However, these legislative gains still depend on the extent of the law's implementation and the effectiveness of mechanisms adopted to ensure its enforcement. Despite the initiation of a National Observatory on violence against women, and the conclusion of sectoral agreements between the Ministries of Justice, Interior, health, and Women's and Social Affairs, a special budget for the Law has not yet been enabled, and the Ministry of Women's budget has in fact decreased.

Tunisian civil society organizations have noted several obstacles related to the application of this law on the ground. The laws emphasizes the necessity of coordination among all stakeholders involved in supporting women victims of violence in the medical, psychological, social, and associative sectors, as well as the need for effective law enforcement and judicial enforcement systems; to date such cooperation has been imperfect and faces many difficulties at both practical and legislative levels. Specialized units are low in number and geographically remote from a good number of victims. Orders for legal aid for victims of violence and for compensation for victims have not been activated. Additionally, there is a lack of specialized shelters or adequate training for court social workers.

The lack of implementation of Law 58 on Violence against Women, and the lack of will to provide the necessary budgets are reflected in difficulties faced by women victims of violence in accessing the justice system. This online Court decision Observatory is designed to be a practical tool for analyzing court decisions and revealing the host of practical

problems related to the State response to VAW, whether in prevention, protection, prosecution, punishment or restoration.

Local partner associations in this project providing women with legal accompaniment services to the courts described the difficulties that women victims of violence face in dealing with the justice system. These begin with the lack of a serious or adequate response by law enforcement, including the absence of active investigation of violence complaints. This is due in part to a lack of training for the law enforcement VAW unit staff, a dearth of human and material resources, and stereotypes and biased mentalities among law enforcement and justice system personnel. These all prevent women from being able to access the emergency orders and protective measures provided for in the law.

3. Goals

This initiative aimed to create an Observatory database that would allow legal practitioners to keep up to date on decisions issued by Tunisian courts, as well as a practical tool for lawyers to develop effective arguments for written and oral pleadings, and for judges to write decisions, in women's rights cases. It was also designed to shed light on how legislative texts and/or their interpretation by courts are based on gender stereotypes and thus prevent women from fully enjoying their human rights.

Specifically, this <https://www.marsadnissa.tn/> initiative aims to:

- Encourage the application by courts of international human rights standards, new Constitutional provisions related to women's rights, and recently enacted laws such as the Law 58 on Violence against Women;
- Develop local activist capacities for systematic monitoring and documentation of judicial decisions;
- Promote creative, human rights-based strategic litigation by lawyers in women's rights cases;

- Provide public access to and increase knowledge of local court decisions on women's rights at all levels;
- Identify discrepancies between the text of laws and their interpretation and application by courts;
- Highlight positive jurisprudence and decisions that effectively promote women's rights;
- Identify judicial errors and violations in the application of laws related to women's rights;
- Create a community of practice around promoting women's rights in the justice system.

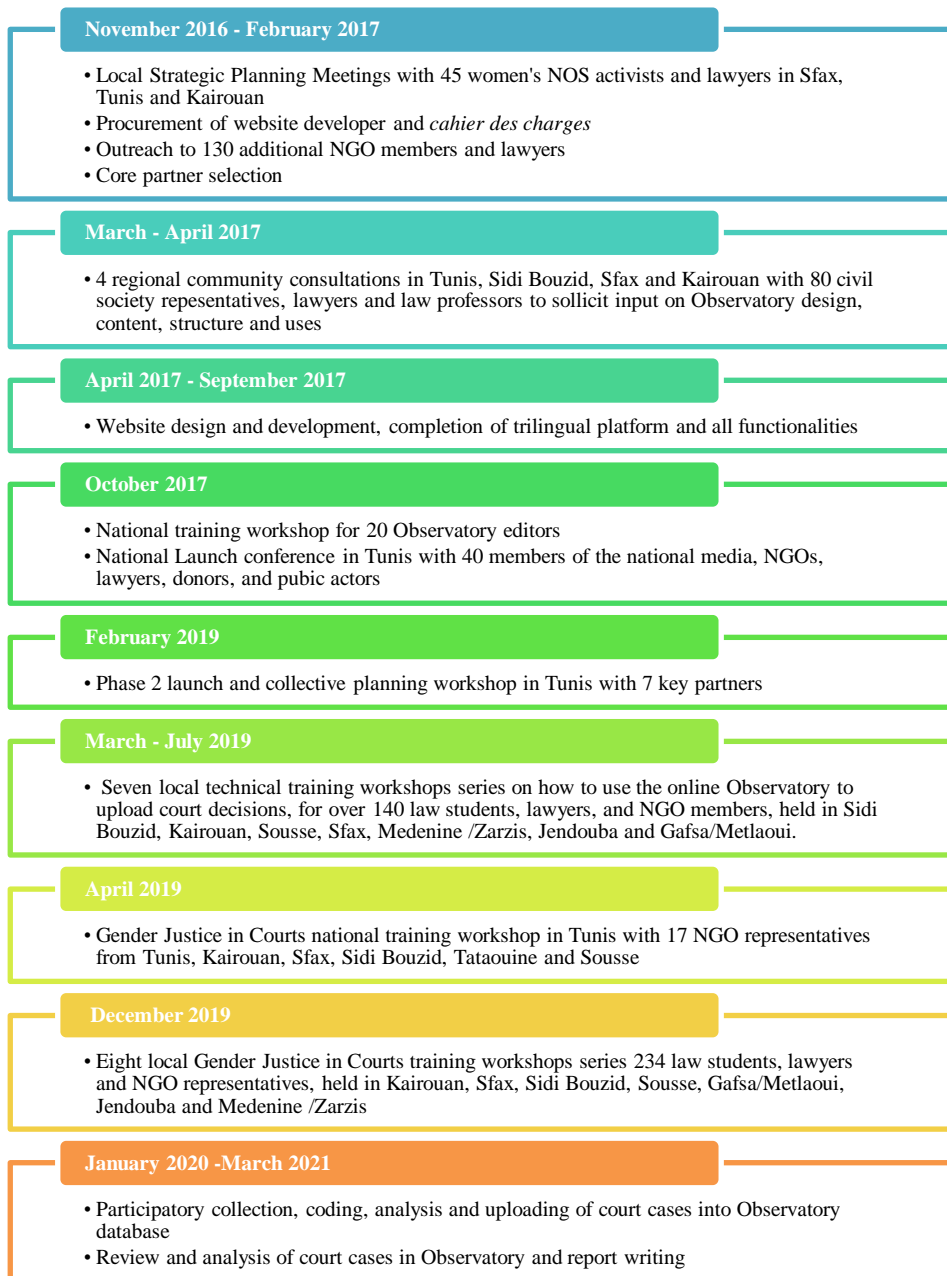
4. Partners

Throughout the initial four year period (2016 – 2020) of this initiative, MRA Mobilising for Rights Associates partnered with a diversity of Tunisian NGOs, lawyers, law professors and law students:

Location		Partner NGOs, attorneys, students, institutions
Center	Kairouan	Association tunisienne des femmes démocrates Students at the Higher Institute of Legal Studies Regional Labor Union
Midwest	Sidi Bouzid	Association Voix d'Eve
East coast	Sousse	Abdul Salam Fatnasi Students at the Sousse Faculty of Law;
Southwest	Gafsa	Association of Eve Voice Metlawi Branch of the International Youth Leadership Organization Inmaa Association for Social Solidarity and Development Work
Southeast coast	Sfax	Association Mouwatinet Students at the Sfax Faculty of Law Association tunisienne des femmes démocrates
Southeast	Medenine Zarzis	Association for Sustainable Development The Tedar Center
Northwest	Jendouba	Rehana Association for Rural Women Lawyer Houda Bajaoui

5. Methodology

A. Process and Timeline



B. Phase One³⁹

During Phase One of this initiative, MRA collaborated with partner NGOs, local lawyers and public actors in diverse urban and rural regions across the country to jointly develop the Tunisia specific Observatory database, with a multi-criteria dynamic search engine appropriate for the Tunisian court system and legal framework.

Local strategic planning meetings: MRA held a series of meetings with NGOs and lawyers to present in detail the prior experiences with the Morocco www.marsadnissa.ma online Observatory of domestic court decisions in women's rights cases, describe the current initiative to create a Tunisia specific court decision platform, mobilize support and participation among a diversity of Tunisian civil society actors, and solicit initial feedback into the content and development process of the eventual Tunisia website. In addition to consultations with lawyers in Tunis, two local meetings were held.

Date	Location	Participants	Partners
Nov. 14 th , 2016	Sfax	18 NGO activists and lawyers	ATFD
Nov. 16 th , 2016	Kairouan	25 lawyers, NGO activists, journalists and labor union representatives	ATFD

Regional Community Consultations: MRA worked closely with four key local partners to plan, organize, develop presentations, and hold local community consultation meetings with a total of 80 lawyers, NGOs and law professors in their respective regions to solicit input into the Tunisia website design, content, structure and uses.

These participatory consultations were designed to develop and finalize the content of the Tunisia court decision Observatory, as well as to mobilize local communities of practice around the initiative. Using the Moroccan Observatory as a starting point for discussion, consultation meeting participants worked in small groups to complete eight thematic

³⁹ Phase One of this initiative was implemented in 2016-17, with the generous support of the Royal Norwegian Embassy in Algiers.

worksheets designed to ensure that the website content would reflect and be appropriate for the Tunisian legal context.

The eight specific worksheets participants completed addressed the following content issues:

- ***Who we are*** to draft a description of the marsadnissa.tn community of activists
- ***Activities and Objectives*** to describe the objectives and activities related to the website
- ***Judicial map*** to list all of the geographic court jurisdictions across Tunisia at the local, regional and national levels
- ***Themes and keywords*** to create an exhaustive list related to women's rights and legal issues to attribute to each case and integrate into the search engine
- ***Laws and Conventions*** to list all of the Tunisian legislation and international conventions to which Tunisia is a party
- ***Type of Court Case*** to classify each of the cases by its area of law (criminal, civil, etc.)
- ***Courts and Chambers*** to list each type of court at the community, first instance, appellate or supreme court level
- ***Additional questions*** to solicit input into the search fields, headings, topics, documentation and links on the website specific for Tunisia

Date	Location	Participants	Partners
March 11 th , 2017	Kairouan	30 representatives of NGOs, labor unions, local media, and regional administrative actors.	ATFD
March 29 th , 2017	Sidi Bouzid	23 lawyers, judges and civil society activists.	Voix d'Eve
March 30, 2017	Sfax	11 NGO activists, lawyers, and law professors.	ATFD
April 1, 2017	Tunis	10 lawyers	Independent working group for this project

Website design and building: Based on the input received from the Regional Consultations, the MRA team developed, tested and finalized the content, design and functionalities for the Tunisia Observatory. This included building the back end search criteria, site design, input detailed legal data into the drop down box data entry fields, and administrator protocols. It also involved verifying and researching additional legal information, translating all of the website and data field content into Arabic, English and French, and writing the front end content, a case summary format, administrator and user protocols, and the User's Guide.

National Editors Technical Training Workshop: During an intensive *On-Line Court Decision Observatory Editors Technical Training Workshop* co-facilitated by the website developer and the MRA team, 20 NGO activists, lawyers and law professors from Kairouan, Sfax, Sousse, Sidi Bouzid and Tunis were trained as Editors for the newly launched www.marsadnissa.tn.

The training covered the website structure, content, search engines and other features, including:

- The back-end and front-end of the site structure
- The home page content and functions
- Review and test the page for researching court decisions
- Review of legal definitions and uses of each of the detailed data fields in the Share a Court decision page
- Guidelines for writing a court decision summary and posting the court decision on-line
- The different categories of users (Administrators, Editors, Contributors and Public).

After participants each created their own individual account, in hands-on practice they entered actual court decisions that they brought with them into the database to collectively review and understand the data fields and begin to build the site content.

National Launch Conference: Thirty-eight people attended a national launch conference in Tunis, including the national media, NGO activists,

law professors, lawyers and foreign Embassy representatives. MRA and partner representatives shared:

- The objectives and approach of this Initiative
- An interactive review of the website content, data fields, functions, uses, and search engine
- An overview of the experiences and results from the Morocco Observatory website
- The local community-based, consultative process used to develop the website
- Reactions and impressions to date from their communities
- Future plans for follow-up, mobilization and use of the website.

All interested persons were encouraged to participate actively in the use of the Observatory and to contribute to the creation of a community that would communicate with each other through the practice of monitoring and sharing court cases and strategies for promoting women's rights in the justice system.

C. Phase 2

During Phase 2 of this initiative, MRA collaborated with grassroots level partner NGOs, lawyers and law schools in diverse areas to enhance, expand and implement our online Observatory of domestic court decisions in women's rights cases at www.marsadnissa.tn.⁴⁰ This phase aimed at mobilizing addition partners into the project, providing technical training for Observatory contributors, enhancing the skills of partners to conduct gender analyses of court decisions, and collecting, coding and uploading a diversity of local court decisions into the platform to build out the Observatory database.

Phase Two Launch and Collective Planning Workshop: This working meeting with partners began with an assessment of the project to date, including activities held, challenges and results. As a second step, participants reviewed and planned future actions for both enhancing the website platform content and functions, as well as for setting up structures

⁴⁰ Phase Two of this initiative was generously supported by the Embassy of the Kingdom of the Netherlands in Tunis.

and systems for local implementation and coordination. Seven members of local women's NGOs from Kairouan, Sfax and Sidi Bouzid participated in this working meeting.

National Training Workshop: Gender Justice and Judicial Stereotyping in Courts⁴¹ MRA conducted an intensive three day training workshop on the gender analysis approach, on judicial stereotyping by courts, and on international human rights standards related to women's rights.⁴² Specific focus was placed on the CEDAW General recommendation 33 on women's access to justice, primarily the six interrelated and essential components of access to justice.⁴³ Trainings also examined stereotyping in court decisions based on gender and sex, as well as compounded stereotypes, and reviewed common myths and stereotypes related to women, particularly on gender based violence and family law issues.

Participants completed substantial small group work in hands-on practice analyzing both fictitious and real court decisions⁴⁴ from a gender justice perspective, as well as identifying judicial stereotyping and discrimination in these decisions. In addition, for a role play "moot court" advocacy exercise, participants received a set of detailed facts for a fictitious case, for which they prepared in teams – a team representing women's rights NGOs and a team representing a national government - and presented oral arguments based on international and regional human rights instruments in

⁴¹ With many thanks to Elena Laporta Hernández who designed and facilitated this training workshop, as well as provided invaluable insights and suggestions for follow-up and next stages of the project.

⁴² Advance preparatory reading for participants to inform plenary discussions and small group work included Arabic and/or French versions of the CEDAW General Recommendations 28, 33, 34 and 35; the most recent CEDAW Committee Concluding Observations on Tunisia; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará); the African Charter on Human and Peoples' Rights; the American Convention on Human Rights; the European Convention on Human Rights; The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol); and other Tunisia specific reports by United Nations Special Procedures related to women's rights.

⁴³ CEDAW/C/GC/33, 23 July 2015.

⁴⁴ Participants were asked to bring copies of interesting Tunisian court decisions to analyze at the workshop.

front of a simulated United Nations Committee of experts. Several workshop sessions were also devoted to practical issues of planning, implementing and evaluating the online Observatory, based on good practice and experiences from the Women's Link Worldwide online Gender Justice Observatory at

<https://www.womenslinkworldwide.org/en/gender-justice-observatory/court-rulings-database>.

Seventeen women's rights NGO activists and lawyers from Tunis, Sidi Bouzid, Kairouan, Sfax, El Kef, Sousse and Tataouine participated in the workshop.

Local Training Workshops Series⁴⁵

In order to mobilize community-level participation throughout Tunisia in this initiative, the MRA team held a series of training workshops to repeat the two national level workshops – the *Editors Technical Training Workshop* from Phase One and the *Gender Justice and Judicial Stereotyping in Courts Workshop* – at the local level in diverse regions across the country.

Observatory Editors Technical Trainings Local Workshop Series: During this series, the MRA team repeated the 2017 technical training for editors on the platform structure, content, search criteria and other features. In hands-on exercises, participants practiced uploading legal decisions into the database by completing required data fields and writing case summaries.

This series aimed at targeting an expanded group of participants in the initiative among NGO activists, lawyers, and law school professors and students, using an interactive, participatory process of exchange and participation to build a to community practice with a horizontal and locally-based membership. A pilot technical training workshop was held in Kairouan in November 2017 with 65 participants; an additional seven

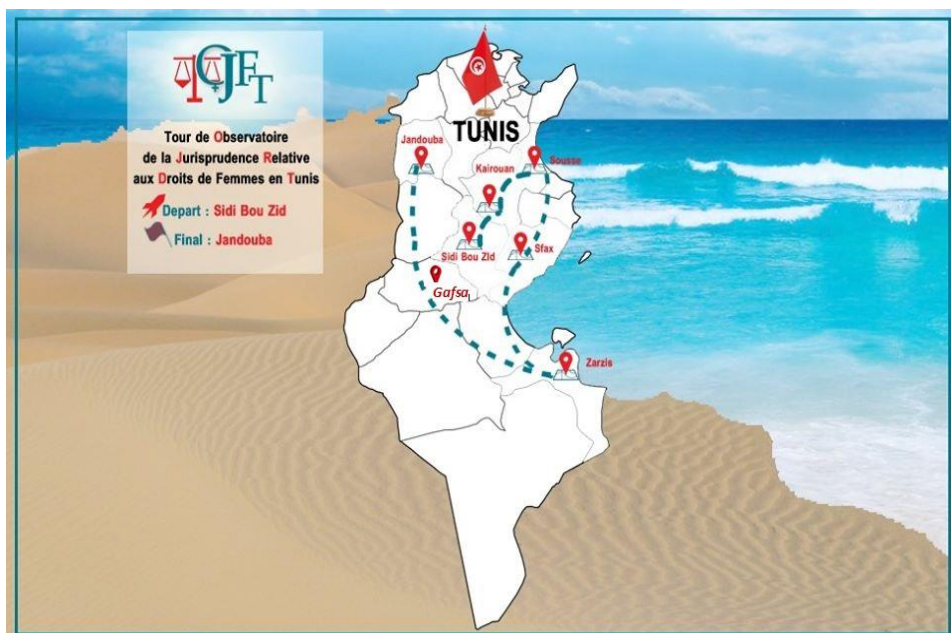
⁴⁵ The local training workshop series was coordinated and facilitated by Mounira Balghouthi, MRA Tunisia Coordinator, with the assistance of Hadhemi Ragoubi and in collaboration with local Tunisian NGOs and law schools across the country.

technical training workshops were held locally across the country from March – July 2019 for a total of 137 participants.

Gender Justice Local Workshop Series: The technical training workshop series permitted the team to identify and target an expanded community of partner women’s rights groups, activists, lawyers, and law school professors and students for a second training series in the same locations. During these local workshops, the MRA team repeated the April 2019 national workshop on the gender analysis approach, judicial stereotyping by courts, and international human rights standards related to women’s rights to access to justice. Eight *Gender justice in courts training workshops* were held locally across the country in December 2019 for a total of 234 participants.

Parallel and in addition to these training workshops, in December 2019, the MRA team in Tunisia organized a series of mock trials on violence against women, in Kairouan and Jendouba with groups of law school students.

Locations of the training workshops series



Observatory Editors Technical Trainings Local Workshop Series:

Date	Region	Organizers	Participants
November 28 th 2017	Kairouan	MRA team ATFD Kairouan ISEJPK Higher Institute	65 Law students ISEJPK
March 25 th , 2019	Sidi Bouzid	MRA team Voice of Eve	20 NGO activists and lawyers
April 25 th , 2019	Kairouan	MRA team ISEJPK Higher Institute	20 Law students ISEJPK
April 26 th , 2019	Sousse	MRA team FDSPS	15 Law students FDSPS
April 30 th , 2019	Sfax	MRA team FDS	14 Law Students FDS
May 01 st , 2019	Medenine / Zarzis	MRA team ADDCI Zarzis	20 NGO activists and lawyers
May 02 nd , 2019	Jendouba	MRA team Rehana Association of Rural Women in Jendouba ARFRJ	18 NGO activists and lawyers
July 25 th , 2019	Gafsa / Metlaoui	MRA team Voice of Eve GYLOM	30 NGO activists and lawyers Representatives of International Organization of Youth leaders in Metlaoui

Gender Justice Local Workshop Series:

Date	Region	Achievement	Beneficiaries
December 03 rd , 2019	Kairouan	MRA Team ISEJPK High Institute	20 Law students ISEJPK
December 07 th , 2019	Sfax	MRA Team FDS Association of Voice of Eve	30 Law students FDS
December 10 th , 2019	Sousse	MRA Team FDSPS	28 Law students FDSPS
December 13 th , 2019	Kairouan	MRA Team ISEJPK High Institute Completion of a moot court	80 Law students ISEJPK High Institute
December 18 th , 2019	Gafsa / Metlaoui	MRA Team Voice of Eve GYLOM Organization INMA	32 NGO activists and lawyers Representatives of International Organization of Youth leaders in Metlaoui
December 20 th , 2019	Sidi Bouzid	MRA Team Voice of Eve	15 NGO activists and lawyers
December 21 st , 2019	Jendouba	MRA Team Rihana Association for Rural Women of Jendouba ARFRJ A moot court	13 NGO activists and lawyers
December 27 th , 2019	Medenine / Zarzis	MRA Team ADDCI Zarzis	16 NGO activists and lawyers

D. Uploading Court Decisions into the Observatory Database

The number and broad diversity of participants in this initiative contributed to enriching the observatory database with a number of court decisions rendered at all levels of Tunisian courts, and the contributors' efforts focused on building the Observatory and sharing decisions issued by various geographical jurisdictions at both the local and national levels.

The uploading process required a rigorous effort governed by a set of formal guidelines and conditions to guarantee the accuracy and credibility of the publication of decisions, ensure the impartiality and objectivity of analyses, and respect the privacy of individual parties to a case. Publication of cases in the Observatory is subject to approval by the website administrators, who retain the authority to publish or delete contributions.

The Observatory is enriched through partnerships with local NGOs, lawyers and members of the public throughout the country who, voluntarily, enter the required data fields and share judicial decisions. This horizontal and organic process aims to create a movement and a community of practice, beyond a limited group of "experts." The content of the Observatory is therefore based on a crowd sourcing approach, through the ongoing contributions of judicial decisions from both our partners and the broader public.

The online Observatory platform allows anyone to contribute a court decision by filling out all of the required data fields related to the decision. To do so, users must first create an account to identify themselves, and any court decision is ultimately approved and published by a selected group of editors reviewing the decisions contributed.

Participants in the technical and gender justice training workshop series have contributed significantly to building the Observatory. Law students first reached through the technical trainings continued in program training workshops and mock trials, and helped enrich the Observatory with decisions reviewed in their university coursework. Lawyers present in the initiative since the beginning of the program continue to be interested in and follow up on project activities, and have provided a diversity of judicial decisions from different levels of jurisdiction.

E. Implementation challenges

Working to promote women's human rights through modern technologies presented two related challenges:

- Using an online platform via the Internet, intended to be a democratic tool based on participation;
- Involving all relevant stakeholders involved in gender justice before the courts.

This initiative requires the participation of important partners and stakeholders concerned with gender justice, who at the same time must be online and connected to the Internet. Limited use of Internet by local communities and lack of coverage in some parts of the country presented obstacles to widespread participation in the project. The lack of an integrated information system for the justice system in Tunisia, including all courts, also limited access to information.

Frequently court decisions are not available or difficult to access on the Internet. As many courts do not have modern tools, online files, or electronic archives that would facilitate access to judgments and decisions by the general population, collecting and downloading decisions presented a significant challenge.

Although the possibility of third-party access to judicial decisions is provided for in the Tunisian criminal justice system (Article 193 of the Code of Criminal Procedure), this right is restricted by requiring the approval of the Public Prosecutor, who has complete discretion to accept or reject the request. Access is thus allowed within narrow limits - despite the right to publish and share final judgments of public sessions. This inability to directly access court decisions made the project largely dependent on voluntary sharing of decisions by the partners, including lawyers and law students. This presented a major challenge to accessing and downloading court decisions.

Encouraging this use of the online platform by various stakeholders required a double effort to both stimulate their practical involvement in the project as well as build their technical capacities. Lawyers are primarily focused on their daily work of managing active cases and clients, rather than using the site and downloading decisions. Students, despite their enthusiasm to benefit from the platform, faced limited capacities and technological

resources, time constraints related to their academic obligations, and the above-noted difficulties of obtaining court decisions. Judges had reservations about sharing case files they had rendered decisions on.

The scarcity of decisions from first instance and appellate courts that are actually published also presented a challenge, particularly the lack of decisions related to Law 58 of 2017 on violence against women.

Many of the decisions obtained, especially emergency ones, were handwritten and illegible, and thus were not able to be shared. Searches for decisions were time-consuming, particularly for lawyers and other partners without strong modern technology skills.

Reading and analyzing court decisions requires both legal knowledge and analytical skills, which posed a challenge for the observatory team, considering limited engagement of specialists to these tasks.

The time frame for the completion of the project has faced many obstacles, the most important being the ongoing democratic transition process in Tunisia and the ensuing protest movements that have impacted the justice system. This is in addition to court and university holidays, exam periods, the COVID-19 pandemic and resulting restrictions that hamper communications with partners and led to the suspension of the work of courts during the lockdown period.

F. Impact of project implementation

Implementation of this project coincided with a period of numerous legislative and political changes related to women's human rights in Tunisia, including the promulgation of new laws reflecting principles of the 2014 Constitution. The context of the project was also marked by social challenges related to activating existing laws, abolishing discriminatory laws, and ratifying required international instruments. Hence the project was placed at the center of the social battle to promote women's human rights and achieve justice.

This project helped foster a participatory dynamic among all the participants, who found in this project the shared goal of defending women's right to access to justice. It contributed to strengthening the knowledge and capacities of the partners and beneficiaries of the project, including NGOs, lawyers, law professors and students, public actors and justice sector professionals, for conducting monitoring, documentation, analysis and advocacy on women's human rights.

It contributed, at least in part, to supporting the Tunisian civil society effort to activate Law 58 on Violence against Women. Likewise it strengthened capacities in gender justice and women's human rights among diverse partners, including local NGOs, lawyers, judges, law professors, law students, and law enforcement officers from specialized VAW units.

It served as a catalyst for some partner associations to produce reports and studies on the extent to which international human rights standards are integrated into domestic jurisprudence, based on a sample of Tunisian court decisions in various degrees of litigation. Such an experience contributed to further enriching knowledge and discussion about women's rights to access to justice, and helped question the judicial systems about the extent of their respect of Tunisian laws and conformity with international standards in cases related to women's rights.

Integrating law schools in training workshops held in various regions across Tunisia enabled the project to mobilize groups of students, who described how they benefited from the legal references and documents available on the platform, as well as training in analyzing decisions and practical hands-on experiences downloading judgments. We intend to continue partnerships with the university institutions, which will allow greater integration of students, not merely as partners in the project and beneficiaries of the platform, but also with the goal of mobilizing them as a force for advocacy around women's human rights.

This project fostered future prospects for cooperation through the opportunity provided to connect with NGOs and diverse stakeholders in the justice system as strategic allies in other efforts to promote women's human

rights. As just one example, the head of the task force charged with violence against women investigations in Zarzis confirmed his willingness to cooperate with civil society during the "Gender Justice" workshop in that region.

The experience of holding the training workshop series in diverse regions across Tunisia was an enriching experience for the Tunisian MRA team, allowing them to learn more about the specific work of local NGOs in different regions and identify the diversity of issues and the different jurisprudence and applications of the laws by courts across the country.

OUTCOMES, OBSERVATIONS AND ANALYSIS

1. Overview of decisions entered in the www.marsadnissa.tn Observatory

To date, a total of 193 court decisions related to women's rights have been coded, analyzed and uploaded into the Observatory. Although a good majority are from the Cassation level and geographically predominantly from jurisdictions located in Tunis, at the same time the Observatory contains a sampling of decisions from numerous local courts in diverse regions across the country. Personal Status Code cases are the most predominant, followed by Civil and Commercial Procedure Code cases, and then penal cases. Although less frequent, a diversity of other laws are covered in cases in the Observatory, including six cases involving the Constitution, five that cite international human rights conventions, and one that considers the newly enacted violence against women law.

Given the large number of Personal Status Code cases, the issues most frequently raised relate to divorce, and financial rights and obligations within the family and between spouses. At the same time the Observatory contains a large number of cases reflecting a broad range of other legal issues, including adoption, parentage, child custody and marriage; criminal

issues such as prostitution, sexual relations outside of marriage, and violence; and workplace discrimination.

The below table details the decisions that have been uploaded into the Observatory as of publication of the report, broken down by the data fields used to code and enter in cases.

Type of Decision	
Decision	154
Judgment	39
Total Cases in Observatory	193
Sex of the Judge	
Man	126
Woman	68
Judicial District	
Tunis2	64
Tunis	22
Sousse	14
Courts in the Tunis Appellate Court District	14
Kairouan	8
Courts in the Sfax Appellate Court District	5
Kef	5
Sousse	5
Kairouan	4
Sfax	4
Métlaoui	4
Jendouba	3
Monastir	3
Gafsa	3
Médenine	3
Ariana	3
Manouba	3
Sousse2	2
Monastir	2
Sfax	2
Courts in the Bizerte Appellate Court District	2
Courts in the Sousse Appellate Court District	2
Gafsa	2
Tunis	2
Kebili	2
Médenine	2
Kasserine	1
Bou Hajla	1
Sousse2	1
Ksour Essaf	1
Courts in the Kef Appellate Court District	1

Sfax2	1
Agareb	1
Courts in the Monastir Appellate Court District	1
Sidi Bouzid	1
Kebili	1
Courts in the Médenine Appellate Court District	1
Ben Arous	1
Manouba	1
Bizerte	1
Nabeul	1
Kef	1
Level of jurisdiction	
Cassation	146
First Instance	32
District courts	12
Appeal	7
Laws cited	
Personal Status Code	123
Tunisian Civil and Commercial Procedure Code	100
Penal Procedure Code	42
Penal Code	41
Code of Obligations and Contracts	37
Tunisian laws	25
Real Property Code	16
Private International Law Code	8
Constitution of Tunisia	6
Commercial Code	2
Child Protection Code	2
Convention on the Elimination of All Forms of Discrimination against Women	2
Code of Commercial Companies	1
International Conventions	1
Convention on the Rights of the Child	1
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	1
Law No. 57-3 of 1 August 1957 regulating civil status	1
Organic Law No. 2017-58 of August 11, 2017 on the elimination of violence against women	1
Key words	
Fault-based divorce	40
Desertion of the marital home	32
Rights and Obligations between Spouses	32
Financial Maintenance – the Wife	30
Award (financial maintenance - children)	29
Conjugal home	29
Adultery	28
Divorce after Consummation	21
Inheritance	19

Financial Maintenance – the Children	19
Divorce	18
Divorce on the demand of one of the spouses	18
Marriage	16
Proof of marriage	15
Prostitution	15
Parentage	14
Return to the Conjugal Home	13
Child Custody	13
Family	12
Awarding Custody	11
Housing and Child Custody	11
Division of property	11
Child Visitation	9
Registration in civil status	9
Sexual Relations Outside of Marriage	8
Recognition of marriage	7
Real Estate (ownership)	6
Marriage Contract (clauses)	6
Real Estate	5
Violence (domestic)	5
Expulsion from the Conjugal Home	5
Integration in Conjugal Home	5
Insurance (at work)	4
Enforcement of Award (financial maintenance)	4
Divorce by Mutual Consent	4
Mixed marriage	4
Assessing the Amount (financial maintenance - children)	4
Award (financial maintenance - wife)	4
Assessing the Amount (financial maintenance - wife)	4
Marital property	3
Community property	3
Before Consummation (divorce)	3
Violence (non-domestic)	3
Irregular (marriage)	3
Sexual Harassment	3
Breaking off engagement	2
Registration in civil status	2
Nationality	2
Marriage Contract (administrative procedures)	2
Moving and Child Custody	2
Legal Guardianship of Children	2
Criminal	2
Annulment	2
Rape (non-domestic)	2
Vacuity Period	2
Separate and independent home	2
Engagement Period	2

Discrimination (at work)	2
Workplace Accidents	1
Effects of (adoption)	1
Withdrawing Custody	1
Wife's personal property	1
Consent (to marriage)	1
Wrongful Dismissal	1
Attribution of mother's name to child	1
Travel and Child Custody	1
Proof of the wife's contribution to (marital property)	1
Impediments (to marriage)	1
Adoption	1
Granting (adoption)	1
Type of Case	
Civil	100
Family	66
Misdemeanor	40
Property Law	7
Criminal	4
Traffic offense	3
Administrative	2
Emergency	1
Commercial	1
Court	
Personal Status	58
Civil	36
Criminal	36
Personal Status	16
Court of Cassation	14
Financial support section	13
Criminal (misdemeanors)	5
Family and Children	5
Personal Status	4
Property	3
First Instance Court	3
Civil	2
Civil	1
Cantonal Appeals	1
Abuse of authority	1
Administrative Court of Cassation	1
Criminal (crimes)	1

2. Conceptual Framework⁴⁶

Researchers and contributors to the Observatory are encouraged to use a specific gender justice framework for analyzing and assessing court decisions, largely based on the CEDAW Committee *General recommendation No. 33 on women's access to justice*.⁴⁷ In General Recommendation 33, the Committee examines the obligations of States parties to ensure that women have access to justice.

Obstacles that prevent women from realizing their right to access to justice are due to factors including:

- gender stereotyping
- discriminatory laws
- intersecting or compounded discrimination
- procedural and evidentiary requirements and practices
- a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women.⁴⁸

A. Access to Justice

Access to justice has six interrelated components:⁴⁹



⁴⁶ The conceptual framework is based on materials developed by Elena Laporta Hernández and shared at the April 2019 National Training Workshop on Gender Justice and Judicial Stereotyping in Courts.

⁴⁷ CEDAW/C/GC/33, 3 August 2015.

⁴⁸ CEDAW/C/GC/33 ¶ 3.

⁴⁹ CEDAW/C/GC/33 ¶ 14.

COMPONENT	STATE OBLIGATION	ELEMENTS OF
<i>Justiciability</i> ⁵⁰	Requires the unhindered access by women to justice and their ability and empowerment to claim their rights as legal entitlements under the Convention.	<ul style="list-style-type: none"> • Rights and legal protections are recognized in the law • Unhindered access to justice systems • Justice system professionals handle cases in a gender-sensitive manner • Independence, impartiality, integrity and credibility of judiciary • Tackle corruption in justice systems • Equal representation of women professionals in justice and law enforcement systems • Revise burden of proof rules • Cooperate with civil society • Protection of human rights defenders
<i>Availability</i> ⁵¹	Requires the establishment of courts, quasi-judicial bodies or other bodies throughout the State party in urban, rural and remote areas, as well as their maintenance and funding.	<ul style="list-style-type: none"> • Ensure courts across entire territory, including in rural and isolated areas • Financial aid, services, and centers for violence against women cases • Ensure rules on standing allow participation of CSOs • Establish independent oversight mechanisms
<i>Accessibility</i> ⁵²	Requires that all justice systems, both formal and quasi-judicial, be secure, affordable and physically accessible to women, and be adapted and appropriate to the needs of women, including those who face	<ul style="list-style-type: none"> • Remove economic barriers to justice through legal aid, reduced or waived fees • Remove linguistic barriers through interpretation and

⁵⁰ CEDAW/C/GC/33¶15

⁵¹ CEDAW/C/GC/33¶16

⁵² CEDAW/C/GC/33¶17

	intersecting or compounded forms of discrimination.	<p>translation, assistance for illiterate women</p> <ul style="list-style-type: none"> • Outreach and information on justice system mechanisms in different formats and languages • Ensure access to Internet and ICTs • Ensure welcoming, secure and accessible judicial facilities and services • Establish one-stop justice access centers.
<i>Good quality of justice systems</i> ⁵³	Requires that all components of the system adhere to international standards of competence, efficiency, independence and impartiality, and provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women. It also requires that justice systems be contextualized, dynamic, participatory, open to innovative practical measures, gender-sensitive and take account of the increasing demands by women for justice.	<ul style="list-style-type: none"> • Adhere to international standards of competence, efficiency, independence, and impartiality, as well as international jurisprudence • Adopt indicators to measure women's access to justice • Ensure innovative and transformative approaches and reforms • Provide timely, appropriate, effective and enforced remedies • Ensure that evidentiary rules and investigations are impartial and not influenced by stereotypes • Ensure victims' privacy and safety • Protect all women from threats, harassment and other harm before, during and after legal proceedings

⁵³ CEDAW/C/GC/33¶18

<i>Provision of remedies</i> ⁵⁴	Requires that justice systems provide women with viable protection and meaningful redress for any harm that they may suffer.	<ul style="list-style-type: none"> • Provide and enforce appropriate and timely remedies • Ensure that remedies are adequate, effective, prompt, holistic, appropriate and proportional to harm caused • Create women-specific funds for reparation
<i>Accountability of justice systems</i> ⁵⁵	Is ensured through monitoring to guarantee that they function in accordance with the principles of justiciability, availability, accessibility, good quality and provision of remedies. The accountability of justice systems also refers to the monitoring of the actions of justice system professionals and of their legal responsibility when they violate the law.	<ul style="list-style-type: none"> • Develop effective and independent mechanisms to monitor women's access to justice • Ensure disciplinary measures for discriminatory practices • Create a specific complaints entity • Collect detailed data in monitoring • Conduct studies in collaboration with CSOs • Apply the findings of the analysis to develop priorities, policies, legislation and procedures

B. Judicial Stereotyping

Stereotyping in the justice and law enforcement systems impedes women's access to justice:⁵⁶

- Distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts
- Adopts rigid standards about what is considered appropriate behavior for women and penalize those who do not conform to those stereotypes

⁵⁴ CEDAW/C/GC/33¶19

⁵⁵ CEDAW/C/GC/33¶20

⁵⁶ CEDAW/C/GC/33¶26

- Affects credibility given to women's testimonies
- Cause judges to misinterpret or misapply laws
- Compromises the impartiality and integrity of the justice system.

States have an obligation to take measures to eliminate gender stereotyping in the justice system.⁵⁷

*Definitions:*⁵⁸

Concept	Definition	Examples
Gender Stereotyping	A generalized view or preconception about sex or gender, which leads to ↓ Assumptions about the attributes, characteristics and roles of women and men, which leads to ↓ Inferences about individual women and men	<i>Stereotype:</i> Women should dress and behave modestly. ↓ <i>Assumption</i> about women as a group: Women should dress and behave to avoid impropriety and indecency, especially to avoid sexual attention. ↓ <i>Inference</i> about an individual woman: an immodest woman 'provoked' sexual assault and must accept blame.
Sex Stereotypes	A generalized view or preconception about the physical, emotional and cognitive attributes or characteristics possessed by men or women.	Men are aggressive. Women are weak.
Sexual Stereotypes	A generalized view or preconception about the sexual characteristics or behaviors of women or men.	Men have strong libidos. Women should be chaste.
Sex Role Stereotypes	A generalized view or preconception about the roles or behaviors of women or men.	Men are decision-makers. Women are caregivers.
Compounded Stereotypes	A generalized view or preconception about the attributes, characteristics and roles of different subgroups of women (nationality, ethnicity, socio economic status, disability, race, etc).	Rural women are uneducated. Migrant women lie to stay in the country.

⁵⁷ CEDAW/C/GC/33¶29, CEDAW Convention article 5.

⁵⁸ These definitions are taken from materials developed by Elena Laporta Hernández and shared at the April 2019 National Training Workshop on Gender Justice and Judicial Stereotyping in Courts.

C. State Obligations in Violence against Women Cases⁵⁹

A good number of women's rights cases handled by law enforcement and the justice system in Tunisia involve gender-based violence, and local women's groups are active in providing services to and advocating for victims. For this reason, one part of the conceptual framework for this project included international obligations related to violence against women.

States are required to take all appropriate measures to eliminate gender-based violence against women, defined as acts or omissions committed by any person, organization or enterprise, whether a public or a private actor.

This obligation of due diligence requires States to take all appropriate measures to:

- | | | |
|---|---|--------------------------------------|
| <ol style="list-style-type: none">1. Prevent2. Protect3. Investigate4. Prosecute5. Punish6. Provide remedies for | } | Gender-based violence against women. |
|---|---|--------------------------------------|

3. Sample Initial Analysis of Court Decisions in the <https://www.marsadnissa.tn/observatory>

The below chart highlights a sample of selected Tunisian legal provisions and court decisions that reflect gender stereotyping. This is not an exhaustive or through description of legal and judicial stereotyping in Tunisia; rather it intended to serve as a framework and example for future, more extensive research and analysis by a broad community of practitioners using the Observatory.

⁵⁹ CEDAW General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, July 2017.

Stereotyping in legal texts⁶⁰

Laws	Sex stereotypes	Sexual stereotypes	Sex role stereotypes	Inferences and Impact
Personal Status Code article 23 requires that “the husband, as head of the family, must provide for the wife and children within his means and according to their condition.”	Women are/should be dependent and inferior.		Men are/should be the primary breadwinner in the family. Women offer their sexuality and reproduction in exchange for this financial support.	Women do not equally enjoy the family’s economic gains and are more disadvantaged than men upon divorce or widowhood. Women’s unpaid domestic work is not recognized.
Personal Status Code article 23 requires that spouses “fulfill their conjugal duties according to practice and customs.”	Women are/should be obedient.	Women are sexually passive. Men have strong libidos.	Women are homemakers and men are decision-makers.	Women have an obligation to be sexually accessible to their husband. Marital rape does not exist.
Personal Status Code article 13 stipulates that “The husband cannot, if he has not paid the dower, compel the woman to consummate the marriage. After consummation of the marriage, the woman, the creditor of her dower, can only claim payment. Failure to pay by the husband does not constitute a case of divorce.”	Women are/should be obedient.	Women are sexually passive. Men have strong libidos.	Women are/should be available to their husbands whenever they want to have sexual relations.	Women have an obligation to be sexually accessible to their husband. Marital rape does not exist. Financial payment confers a right to sexual relations.
Personal Status Code Article 58 provides that “the holder of the right of custody must be of legal age, of sound mind, honest,	Women have natural maternal instincts.	Men’s sexuality is dangerous. Women have no sexuality and/or	Women should be/ are primary caregivers.	Women’s custody over children is subject to conditions. They are forced to choose between remarried and their children.

⁶⁰ Laws, regulations, written procedures, in the actual language of the texts themselves.

able to provide for the needs of the child, free from any contagious disease. The male custodian must have, in addition, at his disposal a woman who assures child care. He must have a family relationship with the female child in the prohibited degrees of kinship. The female custodian must be unmarried, unless the judge considers otherwise in the best interests of the child, or if the husband is a parent to a prohibited degree of the child or guardian.”		should sacrifice it for their children.		Men are exonerated from caretaking responsibilities.
Personal Status Code Article 154 establishes that « the father is the guardian of the minor child and, in the event of death or incapacity of the father, it is the mother who is legal guardian, subject to the provisions of article 8 of this code, relating to marriage. The father's will does not take effect until after the mother's death or of his incapacity.”	Men are more competent than women.		Women have no decision-making power except in the absence of a man.	Women are prevented from taking decisions over their children’s lives.
Penal code Article 226 stipulates that “anyone who commits public indecency shall be punished with imprisonment for a period of six months and a fine of 48 dinars”.	Sexual identity and orientation are fixed and depend on biological sex.	Women are/should be modest and chaste.	Roles based on biological sex are fixed. Men and women are/should be complementary.	Indecent women deserve punishment. Applied in practice to arrest and prosecute unmarried couples. Justifies violations of right to privacy.

<p>Penal code article 226 bis provides that: “Anyone who publicly violates good morals or public morality by gesture or speech or intentionally interferes with others in a way that offends modesty is punished by six months’ imprisonment and a fine of one thousand dinars.”</p> <p>Penal Code article 230 punishes sodomy with three years imprisonment.</p> <p>Penal code article 231 criminalizes “women who, by gesture or by word, offer themselves to passers-by or engage in prostitution even on an occasional basis, are punished from 6 months to 2 years of imprisonment and a fine of 20 to 200 dinars.”</p>				
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Stereotyping in the interpretation and application of legal texts⁶¹

Court decisions	Sex stereotypes	Sexual stereotypes	Sex role stereotypes	Inferences and Impact
In several decisions the Court of Cassation linked the wife's right to maintenance with a duty to cohabit with her husband, despite the reciprocal nature of rights and duties in CSP article 23.	Women are/should be obedient. Women are/should be dependent.		Men are/should be the primary breadwinner in the family.	Non cohabitation is a form of disobedience by the wife. Women's right to financial maintenance depends on cohabitation with husband.
Some court decisions provide that the CSP article 23 designation of the husband as head of family gives him a legal advantage over the wife.	Men are more competent than women.		Men are responsible for making decisions and have authority over their wives.	This judicial view, based on an explicit text that was present in the legislation, is consistent with the vision of Islamic jurisprudence that recognizes the husband's authority. Women remain legal minors in marriage.
Despite 1993 amendments to CSP article 23, court decisions continue to rule that the husband, as head of the family, has the customary and legal right to determine the location of the conjugal home. The Court of Cassation has considered that the wife's refusal to cohabit with her husband without a valid reason – and despite the many warnings sent to her to resume cohabitation after he prepared the conjugal home - constitutes disobedience and a breach of her duties towards her husband, in violation of CSP article 23 provisions of the law that	Women are/should be subordinate and obedient.		Women are/should be dependent on husband. Women are primarily homemakers with no outside responsibilities. Men are decision-makers.	The wife is considered to be under the husband's guardianship and authority. Despite legal revisions, women have the primary obligation of cohabitation, and must reside with her husband in the place of his choice. Violation of women's right to freedom of movement and choice of employment.

⁶¹ Interpretations and applications of legal texts by judges in judgments, or by lawyers and general prosecutors in pleadings and arguments.

oblige spouses to “fulfill their conjugal duties according to practice and customs.”				Custom and habit require wives to obey their husbands.
Penal code articles 226 and 226 bis on public indecency and morality have been interpreted by courts as a matter for judicial appreciation, in which the court derives from the incident, the circumstances, the environment in which it occurred, taking into consideration the goal of the legislator to protect morals, fight vice, and protect the public from observing a scene that is at odds with morality. ⁶²		Women should dress and behave modestly.		Women’s physical appearance is used to infer her morality. Behavior and appearance deemed inappropriate for a woman is considered evidence of criminal acts.
Penal code article 231 did not define specific punishable sexual acts, which provides wide latitude to criminalize a broad diversity of acts. ⁶³		Women should be chaste.		Any woman in a sexual relationship is considered a prostitute and can be arrested. Suspicion of “dishonor” justifies the use of evidence against women, such as medical examinations for virginity, to demonstrate sexual habit. Women who have had sexual relations are presumed to be promiscuous and habitually sexually active.

⁶² A Penal Cassation Decision dated April 16th, 1975

⁶³See for example Decision No. 1975 dated December 1, 1977

CONCLUDING OBSERVATIONS

1. The State's obligations to ensure women's access to justice

A. Justiciability

The 2014 Tunisian Constitution and subsequent organic laws, including Organic law n°2017-58 dated 11 August 2017 eliminating violence against women, recognized and incorporated certain rights and legal protections into the law. However, additional efforts need to be made to ensure that women's de jure equality provided for in many of these texts translates into de facto equality as well.

One challenge to full justiciability of women's rights in Tunisia is the question of the supremacy of international human rights conventions to which Tunisia is a party, and of the direct applicability and justiciability of such conventions in domestic courts.⁶⁴

The justiciability of women's rights in Tunisia will depend on a political will to overcome remaining obstacles in legislation, including amending persisting discriminatory laws in contradiction with the 2014 Constitution. These include, among others, Penal code articles criminalizing public indecency, offenses to public morality and a host of sexual relations outside of marriage, as well as discriminatory Personal Status Code provisions related to the dower, head of household, and child custody and guardianship.

Initial post-Constitution legislative activity was followed by a period of stagnation in further legislative steps in line with the Constitution and Tunisia's international obligations in the field of women's human rights,

⁶⁴ Article 20 of the Tunisian Constitution provides that "Legal status of treaties International agreements approved and ratified by the Assembly of the Representatives of the People have a status superior to that of laws and inferior to that of the Constitution."

including anticipated laws on inheritance equality, individual liberties and the rights of domestic workers.

Future efforts to assess justiciability could also include analyses of:

- Whether or not justice system professionals handle cases in a gender sensitive manner;
- The independence, impartiality, integrity, and credibility of the justice system;
- The role of NGOs in litigation relating to women's rights cases.

B. Availability

One obstacle to the effective application of law n°2017-58 on violence against women is the weak coordination between the Ministries of Women and the Interior and other stakeholders involved in implementing the law.

Despite the importance of the role of units charged with investigating crimes of violence against women, they face many constraints, including the absence of a comprehensive and legal text establishing the composition of the units and the competencies of their members. This results in a lack of transparency and clarity in the selection and mandates of the personnel. In several regions where specialized units have been created, there are no psychologists or social workers to accompany women victims of violence.

Additionally, there is a lack of clear mechanisms to ensure prevention, legal protection, health care, legal accompaniment, psychological support and immediate and adequate shelters; such support remains deficient, not available outside of central or large urban areas, and limited to NGO initiatives.⁶⁵

C. Accessibility

States have an obligation to provide legal guidance and judicial assistance for victims of violence in all criminal and civil procedures. These

⁶⁵ See the press conference of the National Alliance against Violence
<http://www.radiotunisienne.tn/2019/03/05/%D8%A7%D9%84%D8%AA%D8%AD%D8%A7%D9%84%D9%81->

services must be free and timely, and accompaniment must ensure that victims can follow up on the status of their case, track its progress, and be informed of outcomes.

Law n°2017-58 provides that the State must ensure specific procedures, services and institutions for supporting women victims of violence. These include mandating the public prosecutor to receive complaints related to violence against women, investigating such cases, allocating separate spaces inside the Tribunals of the First Instance, and assigning specialized judges within the prosecution, investigative judges, and family sections.

D. Quality of justice systems

Tunisian NGOs such as the Tunisian Association for Democratic Women (ATFD) that provide legal services to women victims of violence have documented the justice system deficiencies in applying laws such as Law 58 on VAW. These are reflected in impunity granted to perpetrators through slow case processing, closing cases, non-issuance of protection measures or removing the violent offender from the home, releasing suspected, or issuing suspended or light sentences based on “mitigating circumstances.” The lack of adhesion of a good number of judges to the law’s values requires the Ministry of Justice to clarify its penal policy on violence against women, particularly instructing the judiciary to provide restoration for victims and deterrence for perpetrators.⁶⁶

Despite provisions for the establishment of the National Observatory for the Elimination of Violence against Women in Law No. 58,⁶⁷ there has been a delay in its activation. The National Observatory has an important role, charged with monitoring the implementation of the law and policies; coordinating various stakeholders to track and collect data on violence against women; evaluating the effectiveness and efficiency of laws and policies; proposing necessary reforms; and providing institutions, including

⁶⁶ Tunisian Association of Democratic Women, Memorandum to Mr. Youssef Chahed, Prime Minister and Chairman of the Council for Equality and Equal Opportunities for Women and Men, dated 28 November 2018.

⁶⁷ Article 40 of Law n° 58 dated August 11, 2017.

the legislative and judicial branches, with practical orientations for eliminating violence.

Three years later, a government order was issued to establish the National Observatory,⁶⁸ and to date only the Observatory Scientific Council has been formed. The rest of the structures, a headquarters, and budget remain pending.

Non-application of the laws punishes victims of violence and creates impunity for the perpetrators, thus encouraging continued crimes of violence against women. In order to ensure the proper implementation of the law, legislation must be enacted that criminalize and punish both violent offenders and public actors who neglect to perform their tasks with professionalism, integrity and timeliness.

E. Provide remedies

The State, responsible for ensuring respect for human rights, must prioritize compensation for victims of violence and reparation for resulting harms. As such, it is necessary to activate Law No. 58 on VAW by enacting implementing legislation and policies that would, among other, ensure such remedies by creating a compensation fund for women victims of violence, ensuring its financing, and reviewing the legal aid law.⁶⁹

Law No. 58 on VAW enshrined the right of a victim of violence to benefit from legal aid, as Article 4 considers legal aid as a fundamental State commitment and general principle upon which combating VAW is based. This is justified by the barriers women face accessing justice, due to her traditional care-taking role, stereotyped views of women as inferior, and women's precarious economic situation that prevent her from covering costs related to legal procedures and court cases. These barriers are compounded by illiteracy and lack of knowledge of rights.⁷⁰

⁶⁸ Governmental Decree No. 126 of 2020, dated February 25, 2020, establishing a National Observatory to combat violence against women.

⁶⁹ Article 4 of Law No. 58: The State undertakes to provide women victims of violence and their children ...(with) legal guidance to victims of violence and enabling them to obtain legal aid.

⁷⁰ Professor Hala Bin Salem, Lecture, Applications of Protective Measures for Women Victims of Violence in Light of Law No. 58 of 2017, Study of Judicial Files.

F. Accountability

Allegations of sexual harassment and sexual violence against women committed by public officials are rarely investigated, prosecuted or tried. Women are frequently reluctant to report cases of sexual violence, especially those committed by public officials, for fear of retaliation and stigma.⁷¹ In one highly publicized case, a woman accused two police officers of rape, but instead she was charged with “deliberate obscenity,” when the police officers found her with her fiancé in a car at night. After a lengthy trial, the two officers were convicted of rape and sentenced to 15 years imprisonment.⁷² Civil society has noted that justice does not treat legal cases with the necessary seriousness, and that court decisions and sanctions against aggressors are very weak and minimal.⁷³

Future efforts to assess accountability could include analyses of the existence and effectiveness of oversight and disciplinary mechanisms for justice and law enforcement system actors in women’s rights cases.

2. Violence against Women: State obligations

A. Prevention

According to a national survey carried out by the National Office for the Family and Population,⁷⁴ 47.6% of women in Tunisia have experienced some kind of violence at least once in their lifetime. The study also revealed that 32.9% of women had experienced some kind of violence at least once during the previous 12 months.

Chapter II section one provides for a series of preventive measures, including those that the different Ministries are required to take. For

⁷¹ Amnesty International, Tunisia: “The Stumbling Reform of Laws and The Repressive Practices”, Note to the “ Universal Periodic Review ”, twenty-seventh session of the Working Group on the Universal Periodic Review, April-May 2017

⁷² <https://www.fidh.org/fr/regions/maghreb-moyen-orient/tunisie/15067-la-reponse-de-la-justice-tunisienne-au-viol-de-meriem-est-insatisfaisante>

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<http://www.aswatnissa.org/2020/%D8%AA%D8%AC%D8%A7%D9%88%D8%B2%D8%A7%D8%AA>

⁷⁴ Rapport enquête nationale sur la violence à l’égard des femmes en Tunisie ONFP –AECID Décembre 2010.

example, the Ministry of Health must develop training programs for medical staff on how to detect, evaluate and prevent violence against women. The Ministry of Education likewise is required to develop educational programs on equality and non-discrimination and how to prevent and address violence in educational institutions.

Article 40 provides for the establishment of a "National Observatory to fight violence against women" under the Ministry of Women. The Observatory is charged with monitoring and documenting cases of violence against women, following up on the implementation of laws and policies, evaluating their effectiveness in eliminating violence against women, publishing relevant reports, and proposing reforms. It is also charged with carrying out scientific and field research on violence against women to assess appropriate interventions, address violence, contribute to the preparation of national strategies and joint and sectoral practical measures, and develop guidelines for the elimination of violence. The Observatory also cooperates and coordinates with civil society organizations, constitutional bodies and other relevant public institutions charged with ensuring human rights and freedoms.

It is important to advocate that each ministry concerned with the implementation of Law No. 58 of 2017 to carry out its tasks entrusted to it in implementing the law, especially in its preventive aspect, including the responsibility of the Ministry of Education and Training to their responsibilities in preparing a society free of violence against women.

B. Protection

Chapter II section two provides for a series of protection measures for women victims of violence, including legal protection, health and psychological follow-up, and shelter.⁷⁵

⁷⁵ Article 13.

Family judges are charged with receiving requests for and issuing civil protection orders against violent offenders.⁷⁶ Measures provided for in article 33 include:

- Prohibit the defendant from contacting the victim, or the children residing with her, at the family home, at the workplace, at the place of study, at the shelter, or any place where they may be found.
- Compel the defendant to leave the family home in cases of danger to the victim or her children residing with her, while allowing him to recover his personal belongings, in a report drawn up by an executing agent, at his expense.
- Compel the defendant not to damage the private property or joint funds of the victim or children covered by the protection order, or to dispose of them;
- Designate the residence of the victim and the children residing with her and, when necessary, compelling the defendant to pay housing costs, unless a competent court is considering the case or has issued a ruling;
- Enable the victim or her agent, if she leaves the family home, to recover her and her children's personal effects and necessary belongings, according to a report drawn up for the purpose by an executing agent, execution at the defendant's expense;
- Withdrawing custody or guardianship from the defendant and set visitation terms, taking into account the best interest of the child;
- Determining the amount of financial support for the abused wife and her children, and where applicable, the contribution of each spouse to financial support, unless a competent court is considering the case or has issued a ruling.

Article 34 of the same law specifies the duration of these measures, not to exceed six months in any event, extendable once for the same amount of time. These decisions are immediately executed, and an appeal does not suspend its implementation.⁷⁷

⁷⁶ Articles 30-38.

⁷⁷ Article 209 of the Civil and Commercial Procedures Code.

C. Investigation and Prosecution

Chapter IV of Law 58 on VAW provides for the creation of designated and specialized prosecutors, investigating judges, and law enforcement units responsible for investigating and prosecuting violence against women crimes within each First Instance court and law enforcement precinct.⁷⁸ Law enforcement agents must go immediately to the scene of a violence against women crime; the law sanctions agents who deliberately pressures or coerces a victim to renounce her rights or withdraw her complaint.⁷⁹

The Public Prosecution has primary responsibility for the legal process and procedures in violence against women cases. Depending on the circumstances, designated law enforcement units must either inform the prosecution after acting or obtain prior permission. The law provides for the creation of units specialized in investigating violence against women crimes, and details their relationship with the Public Prosecution. These specialized units are required to include women from among its personnel in order to provide reassurance and security for women victims of violence, and coordinate with all stakeholders, especially the judiciary, child protection agencies, and local associations.

D. Punish perpetrators of violence

Law n°2017-58 criminalized new acts of violence against women, provided a comprehensive definition of violence, and increased penalties for existing crimes. These include:⁸⁰

- Increased the punishment of sexual harassment crimes from one to two years and the fine from 3,000 to 5,000 dinars. The punishment is doubled if the victim is a child, the perpetrator is a parent or a descendent of any degree of the victim, has authority over the victim, uses the influence of his position, or if the crime is facilitated by the apparent or known vulnerability of the victim;

⁷⁸ Articles 22 – 24.

⁷⁹ Article 25.

⁸⁰ Article 15.

- Repealed the previous Penal code article 227 bis provision cancelling prosecution for “a sex act without violence” if the perpetrator married the victim;
- Provides a definition of rape, which was previously defined only by the judiciary. The Act also contains an amendment to the penalty for rape from a life sentence to 20 years imprisonment;
- Increased the sentence for consensual sex with a male or female child aged above 16 years and under 18 years, from 5 to 10 years should the perpetrator have any authority over the victim.;
- 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.

E. Provide remedies for survivors of violence

Providing effective remedies to compensate for harms suffered as a result of violence is a fundamental pillar of protecting women's human rights. The above-mentioned laws, especially Law No. 58 of 2017 on VAW and the Anti-Human Trafficking Law, guarantee, to some extent, remedies in the form of reparation or compensation for survivors in cases of discrimination and human rights violations.

Remedies for harms caused should include compensation and restoration for physical, psychological and sexual harms, lost educational and employment opportunities, litigation fees, medical examinations, treatment and services, and psychosocial care. Justice system actors must take into account the specific violence affecting women and award adequate compensation proportional to the extent of the harm, the circumstances, and the consequences.

The principle of redress for survivors requires that the Ministry of Justice follow penal policies that prioritize establishing the necessary mechanisms for redress and rehabilitation of women. This requires strengthening the capacities of judges and other justice system actors, as well

as enacting implementation legislation and policies specifying compensation for victims of violence, as required by law Number 58.

3. Recommendations for future phases of the program

MRA Mobilising for Rights Associates will continue to implement and expand the reach of this initiative in partnership with grassroots civil society organizations, lawyers, law students, other legal practitioners and justice system professionals. Local working groups will collect, upload and analyze judicial decisions and judgments issued at different levels in courts from diverse jurisdictions across the country. Ongoing assessments of women's access to justice through monitoring local court decisions is particularly critical in light of the new Constitution and recently enacted laws related to women's rights.

Based on the findings and outcomes of this phase of the initiative, the MRA team identified the following priorities and future opportunities:

Capacity-building for local actors:

- Enhance local actor knowledge of and capacities to implement access to justice principles in accordance with international human rights standards;
- Build local actor skills in modern internet and communications technologies.

Effective and permanent structures:

Public actors:

- Establish and institutionalize public and civil society monitoring and evaluation systems to track the implementation and effectiveness of current legislation;
- Improve access to information to public documents, particularly court decisions, for researchers and activists to better prepare analyses and reports on gender justice;

- Provide modern technological tools for the justice sector, particularly for archiving and publishing court decisions.

“Marsadnissa” on-line Observatory:

- Establish more formal local Working Group structures, systems and roles to collect decisions, extract data, analyze decisions, and review and edit uploaded analyses and summaries;
- Provide targeted training to people tasked with each of the specific roles;
- Write an Arabic language Practical Guide for Observatory editors and contributors with templates and step by step guidance on both technical and substantive aspects of working on the Observatory: collecting cases, extracting information, conducting a gender justice analysis, preparing a case summary, editors’ checklists, etc.;
 - In addition to hard copies and online versions, create an online “how to” illustrative training video/series of short training videos for this Practical Guide;
- Provide links to legislation and other relevant texts on the platform to facilitate access;
- Outreach and mobilization activities to make the Observatory more well-known, encourage people to use it, and form strategic partnerships with key institutions (universities, law firms, etc);
- Establish informal mechanisms and fora for on-going evaluation;
- Prepare a substantive monitoring and documentation report on women’s access to justice in front of Tunisian courts based on the most recent court cases.


Priority issues for advocacy:




- Increased human, material and budgetary resources for the implementation of laws related to women’s rights, particularly Law 58 on Violence against Women;
- Accelerate the implementing legislation and policies related to compensation for women victims of violence;
- Clarifying the procedures for mandatory legal aid;

- Remove legal and institutional obstacles that perpetuate violence and discrimination against women, notably to establish equality in inheritance, and abolish discriminatory laws, including Personal Status Code provisions related to dowry (articles 12-13), spousal roles and responsibilities (article 23), child guardianship (article 154) and child custody (articles 55, 58, 60 to 63); Homosexuality and individual freedoms (Chapters: 230, 226 and 226 bis of the Penal code)
- Ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention 2011), which is an open convention for ratification by all countries;
- Ratification of the International Convention No. 190 related to violence and harassment in the workplace (2019), And Convention 183 relating to the protection of maternity and Convention 189 relating to the employment of domestic workers

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