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WOMEN ON THE MOVE FOR GENDER EQUALITY IN THE MAGHREB

"Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world." (Eleanor Roosevelt, 10 December 1948)

Iranian 2003 Peace Nobel Prize winner, Shirin Ebadi confirms Roosevelt's statement above when reporting that equality of the sexes was something in which she had been inculcated at home. As a result, she had been spared the self-deprecation and dependence she could see among women brought up in more traditional homes (Ebadi, 2006: 23)¹. As stated by Simone de Beauvoir,

One is not born, but becomes a woman. No biological, psychological, or economic fate determines the figure that the human female presents in society: it is civilization as a whole that produces this creature, intermediate between, male and eunuch, which is described as feminine.(1952: 249)

And yet, although they represent over half of humankind, historically and worldwide women have been discriminated against and continue to be so in spite of great strides made towards equality, in spite of legal gains that have allowed some to land jobs historically the exclusive prerogative of men. It is indeed so in the three Maghreb countries- Morocco, Algeria and Tunisia - that we are going to consider how, although still on unequal footing. In this twenty-first century, Maghrebian women are no longer absent from the public scene. They are also activists claiming equal rights and full citizenship.

This research paper intends to analyze the impact on their society at large of democratization of women's roles at home and at the work place. Because it is important to know the past in order to understand the present, the status of women in the Maghreb countries in the pre-independence era will be presented. But the major part of the research

¹ I am using Shirin Ebadi's French version. 2006. *Iranienne et Libre (Iranian and Free)*. Paris: La Découverte. This is a translation from English: *Iran Awakening. A Memoir of Revolution and Hope*. Random House. Except for Charrad's quotations, most of the translations in this research are mine.

will begin in the 1980s with the early autonomous feminist wave and continues until the present: the first decade of the 2000s.

Several international instruments have provided for women's equality, but it was at the 1993 Vienna Conference that women's rights became an integral part of human rights, highlighting the issue of violence against women. However, in spite of progress since then, in particular during the last few decades, women are still far from having reached the equality they have been striving for. Increased information being transmitted via the media, but also via the work done by female activists, together with increased education have led to sweeping social changes, creating awareness among women. As a result, women are increasingly breaking the taboos that used to keep them silent and submissive and are asking for help at the centers ready to aid them find solutions to their problems of violence.

In the first part of this chapter, I am going to describe the work done by women in the three Maghreb countries during the pre-independence and independence eras. In the second section, I will demonstrate how discrimination against women is at the root of the Maghreb region's dynamics of violence against women, of the feminization of poverty, and also of the prevailing weak female participation in key positions in the sphere of work and labour unions. In the third section, I am going to set out the work done by female activists in the three Maghreb countries since the 1980s, the decade of the appearance of a new wave of feminism that strives to reach total equality with men through direct action and by urging their governments to ratify the CEDAW and its Facultative Protocol. In particular, these activists have put in the limelight issues that nobody dared talk about in the past: violence against women, sexual harassment...

In the same way as pioneer feminists had their say in the reforms brought by the Personal Status Code in the mid fifties, the feminist movement of the 1980s also had a say in the new reforms that were brought during the 1990s; adding with this to the gains made by women in terms of rights.

I- Maghrebian women in the early independence period.

For much of the last century, whatever their social status, whatever privileges they might have had, Maghrebian women still lived in societies that made them subservient to men and in need of male protection². They lived under the undisputable authority of male members

² In Tunisia, according to Article 23, a woman had to obey her husband in his quality of head of the family. This law was amended in 1993. Since then, a husband is no longer to be the only head of the family and a wife is no longer required to obey her husband. Both spouses have equal responsibility in the management of the family.

of the family. The notion of honor justified the close scrutiny they had to live under. The houses they lived in were made in such a way that no one could see them from outside. If they went out women had to be veiled. They were made to marry at a very young age. In that way, their honour, that of the family, was safe and they became their husband's responsibility, if not his property. This scenario was more or less common to the three Maghreb countries. So, the question is: how did Maghrebian women develop notions of rights and autonomy based on this life-style? In fact, several factors contributed: but they did so in a slow and gradual way.

1- Status of women in the Maghreb in the pre- and post-independence period.

Maghrebian women have made tremendous progress since independence and they are to be found today in the different sectors that comprise society, even those that used to be closed to them like the police, the army, the Foreign Service. This achievement would not have been possible without the education they were finally allowed to benefit from, as educational institutions opened their doors for them. Simultaneously to the rise in the numbers of girls attending educational establishments, an increasingly needed female workforce filled the developing textile and industrial factories, among other sectors. This move toward women's literacy could be seen in the three Maghreb countries, yet all of them were characterized by the rule of the *Shari'a*, or family law, most particularly in the smallest of the three: Tunisia.

A- Family law in Tunisia

In the 19th and early 20th centuries, several reformers, and in particular, Tahar El Haddad³, a poet, trade unionist, politician and feminist, had advocated women's right to education and to take an active part in the development of the country. With the support of progressive male relatives, some women, like Bchira Ben Mrad⁴, started to resist gender discrimination in order to overthrow oppressive customs and laws that made them lead separate lives under the rule of men. They did that, however, under the banner of nationalism, religion and good morals.

The same changes took place in both Morocco and Algeria. Until recently, in Algeria, «A wife is required to obey her husband and respect him as head of the family, to bring up and nurse his children, and to respect his parents and relatives» (Wikipedia, 5 January 2009, Accessed at: http://en.wikipedia.org/wiki/Algerian_Family_Code .

³ In particular, Tahar Haddad wrote: *Imra'atuna fi al-shari'a wa al mujtama'a* (*Our Women in Law and Society*). Tunis. Maison tunisienne de l'Édition. First edition: *Imra'atuna fi al-shari'a wa al mujtama'a* El-Matba'a al-Fanniyya, 1930-1978.

⁴ This is well-referred to in Arfaoui's 2007 paper about the feminist movement in Tunisia.

In 1956, [the] first Tunisian President, Habib Bourguiba believed that it was necessary to emancipate women in order to build a modern and secure state.⁵ Education for all, men and women, was one of his main targets: but that was not enough and Bourguiba brought revolutionary social changes that were to change the country's mentality. He immediately sought to avoid the hold of religion which he saw as an obstacle to social development and as a way to curb political Islam. He brought changes in the family code by the promulgation of the **Personal Status Code** that remains revolutionary compared to the rest of the Arab World today, still today. In particular, polygamy and repudiation were abolished, legal divorce and age-limit to marriage became the norm: education for all, women's participation in the workforce, family planning, abortion. All of these measures were taken to encourage the country to take off economically. For Bourguiba, there could be no development without a radical change of the family. Family planning and abortion were legalized in 1961 so as to reduce fecundity and family allocations were limited to 3 children. These drastic measures had the expected outcome: indeed, from 3% in 1966, population growth declined to 1.7% in 1997 and 1.4% in 2000 (Seklani 2005). The control of fecundity and of economic and social development as well as the decline of demographic growth also helped to reduce poverty (Seklani 2005).

After independence in 1956, Tunisian women did not have to claim rights: these were offered to them "on a platter" (Bouzid; also quoted in Marzouki 1993: 158)⁶. This was unexpected as women's rights had not been a major concern of the Neo-Destour⁷ before 1956 (Marzouki 1993: 164). "Bourguiba gave women a gift. He had the intelligence to do it during

⁵ Female film directors should be mentioned as they are contributing in raising awareness about women's condition. Tunisian Moufida Tlatli did with her first film «The silence of the palace» (1994) which reports on the struggle for independence and on the plight of women, in particular that of an illegitimate girl born in a prince's palace and her efforts to liberate herself so as not to endure what her mother had. The film was awarded several prizes. Her films are an advocacy for the continued importance of an emerging feminist perspective in Tunisia.

Her second film «The Season of Men» (2000) takes place on the famous island of Djerba where women stay 11 months alone while their husbands work elsewhere, either in the city capital, or in Europe. These women are lonely, unhappy, frustrated... Oppressed by their husbands when they come back, they are oppressed by the latter's mothers when they are away. Tlatli means by that that there is no rest for women. Her films deal with women's plight in a patriarchal society. She deals with such themes as virginity, sexuality...

In the theatre world of Tunis, actresses Jalila Baccar and Fatma Saidane should be mentioned for their strong positions for democracy and women's rights. In 2006, Jalila Baccar staged in «Khamoun» (Fifty, as the play deals with Tunisia fifty years after independence and after the Code of Personal Status) or «Captive bodies» that denounces the wearing of the hidjab. The play is directed by Fadhel Jaïbi.

⁶ Bourguiba himself explained how these laws promulgated in their favour, "spared Tunisian women the trouble of wearing themselves out in protest campaigns to which women in most of the rest of the world are compelled to, allowing them to get down to the apprenticeship of freedom and responsibility." Habib Bourguiba's speech, Reports of the 6th Congress of the National Union of Tunisian Women held in Monastir on 13-15 August 1976. Cited by Marzouki 1993: 158.

⁷ Tunisia's main political party that was founded during the French Protectorate by a group of nationalists, among whom, Habib Bourguiba.

the euphoria of independence, with the support of a tolerant and open-minded bourgeoisie,” said Hafidha Chekir, jurist and activist (quoted in Marsaud 2006:112.). Does that mean women were not concerned about their rights? Indeed, it was not so. For example, an early feminist Asma Belkhodja said in an interview:

I used to be ahead of my peer members. For instance, I didn't wear the 'sefsari' in the presence of men. Besides, I used to deal with men with great ease. At that time, it was not common for men and women to mingle in public. I interacted with men without any discomfort. The Islamic Women's Union used to have interesting activities but I felt that this Union was too narrow for me. So, I got out from it and from its limitations... I believed in women's struggle against all traditions that held them prisoners. For instance, Bchira Ben Mrad, the president of the Islamic Women's Union, used to veil herself and I believe she never stopped. When I stopped wearing the 'sefsari', she didn't (Rym Bettaieb, 2007: ...” 2009 Tunisian Community Centre <http://www.tunisiancommunity.org/content/view/124/289/>⁸.

Another example showing that pre-independence females were activists in terms of women's rights. On the occasion of the tenth anniversary of the International Democratic Federation of Women⁹, aware of the importance of the election of a Constituent Assembly that was to take place, Wassila Jaballah from the National Union of Tunisian Women¹⁰ declared that they contested an anti-democratic ballot and an electoral law that excluded women, adding:

But, Tunisian women must not declare themselves defeated; they will continue to fight until they are granted the same rights as their male fellow-citizens. (Marzouki 1993: 140-141)

At a meeting organized on 26 December 1956, female members of the Destour¹¹ expressed the same point of view as the other female groups, declaring “If illiterate men are allowed to vote, illiterate women must vote too”: and “Voters, women must also be eligible, in the same way as men, according to their capacities”. For, Tawhida Ben Cheikh (1955)¹² argued, “Elections are not a matter of science, but of awareness-taking” (Marzouki, 1993: 165). The idea of a feminist organization was formulated by Bchira Ben Mrad during that same meeting; it was not received favorably and its foundation was thus Bourguiba's

⁸ Rym Bettaieb is an adjunct lecturer of English and Arabic at Drew University in Madison, NJ. She is currently pursuing her Ph.D. in English Literature with a concentration in Women's Studies.

⁹ The Women's International Democratic Federation (WIDF) was founded in December 1945 with the aim of preventing the recurrence of war and the resurgence of fascism for the sake of well being of the women and children;

¹⁰ Officially known as UNFT, from the French, Union Nationale des Femmes Tunisiennes.

¹¹ The only recognized political party then.

¹² Tawhida Ben cheikh. 1955. « La Tunisienne doit-elle voter ? » In L'Action, 26 December 1955.

personal initiative; it was then, Marzouki (1993: 165) reports, that the NUTW became “Bourguiba’s organization”.¹³

B. Family law in Morocco:

Whereas Tunisia had adopted a family Code that to this day, in 2009, remains unique in the Arab world, Morocco adopted a “*codification of Islamic law*” (Charrad, 2007: 162). With none of the reforms advocated by reformists like Allala El Fassi, thus leaving women’s status unchanged. When Morocco became independent in 1956, 80% of its population was rural, so kin-based solidarities were extremely important (Charrad, 2007: 152). Because tribal support was crucial, King Mohamed V ended up taking several measures that maintained tribal practices rather than following the more progressive measures suggested by urban pressure groups.

The equivalent of Tahar Haddad in Tunisia, Allal al-Fasi was a proponent of equality between the sexes and believed there could be no development and no modernity without that. King Mohamed V himself proclaimed women’s emancipation, encouraging women to send their daughters to school. But women’s condition could not change drastically without a change in legislation. Everywhere in the legal texts, women were faced with men’s resistance to change, a resistance embedded in tribal ways:

The entire Maghrebian society is of a patriarchal type with, as postulate, the fact that the Arabs and the Islamized Berber populations of the entire Maghreb are ruled by notions of tribes and clans. (El Khayat, 1992: 75)

Without radical social change, women could not have real power. The first thing that they needed was education. Because of the seclusion they lived in, because they were forced to marry at an early age, women could not dream of having a serious education. In the early twentieth century, some families, in particular well-off ones, sent their daughters to a female educator’s school where they could get a religious education and learn the rudiments of the *Qur’ān* and obtain home economics skills, such as embroidery, sewing, cooking, house-cleaning... But, they still led a secluded life. The scenario was about the same in neighboring Algeria and Morocco.

Moroccan sociologist and writer Fatima Mernissi recalls her life in a harem in Fes in the 1950s. She and her female relatives dreamed of freedom and could not find any female

¹³ Indeed, its members were all the President’s relatives or friends.

feminist role models locally. They had to look for them in the Middle East, in Egypt, Lebanon and Turkey. In particular, and like the Tunisian pioneer feminist Bchira Ben Mrad in the 1930s, Mernissi was fascinated by Houda Sha'raoui in Egypt. Born in 1979, Sha'raoui was a great lady from an upper-class family, who through her activism had been able to bring about changes in the status of her fellow female citizens.

In Morocco, “[T]he monarchy chose to preserve Islamic family law in accordance with its political interests” (Charrad, 2007: 158), so the tribal system took precedence. Not a single part of the program proposed by al-Fasi was adopted.

Indeed, the only change concerning women's status was a mere unification of the family law countrywide that put an end to prevailing local customary laws. Moroccan women saw no change whatsoever in their status insofar as equality was concerned, and marriage remained “*a matter [to be decided] between the male representatives of two families*” (Charrad, 2007: 163). In fact, many of the tribes had their own long-standing, strict systems of customary law, which was not the case in Tunisia and which may explain why it had been easier to promulgate the PSC there. Promulgated in 1957, the Moroccan family law, known as the Mudawana¹⁴ has 5 chapters, the two most important ones dealing with marriage and divorce: “These two [chapters], from beginning to end, deal with women's inferiority while highlighting the importance of men's roles in the family” (Lakhmas, 2004: 6). The failure of adopting a family-planning program in order to control population growth represented a huge problem.

As in Tunisia, early Moroccan feminists appeared on the public scene immediately after independence and they were also careful to present their claims within an Islamic context. They saw that

... women and their sexual purity were often linked with the honour of men and families, and this discourse was legitimated through its connection with Islam. For these activists, this linkage was meant to control women by men and their surrogates (other men and antifeminist women). This control was often manifested in fathers and older brothers imposing a certain code of dress on daughters and younger sisters. Similarly, lower-class husbands sought to impose the same restrictions on upper- and middle-class wives. (Sadiqi, 2006: 35)

¹⁴ See Charrad, 2007: 162. It was drafted by a commission of Islamic scholars on request from King Mohamed V. It followed a legislative system, established by the colonizers, according to which each community had its own legislation: national legislation for the foreigners, Hebraic legislation for Jews, Muslim legislation inspired from the *Shari's* for Muslims (Zhor Rachiq, 2006: 41).

They saw that linkages made between their sexual purity and their family's honour "were intended to maintain control over women, and were part of Moroccan society, not Islam" (Sadiqi, 2006: Page number). This is probably because as many as 98% of the Moroccan population believe that women's reason for being is within marriage, while 92% believe that it is preferable for men to get married, meaning that single life is acceptable for men but not for women who always need the protection of a man) (Hassan Abouyoub, 2006: 32).

In Morocco, together with a multitude of other movements women activists appeared on the public scene in the 1980s, although in a difficult socio-economic context. These women were claiming changes in the Code of Personal Status. King Hassan II brought some light changes in 1993. A huge march against a reform that would give more rights to women took place in Casablanca on March 12, 2000. In spite of opposition on the part of Islamists, King Mohamed VI expressed the same point of view as Bourguiba when he said on 10 October 2003:

How can we ensure progress and prosperity to a society when its women, who represent its half, see their rights scorned and suffer on account of injustice, violence and marginalisation, regardless of the right to dignity and equity that our religion confers on them? (Rachiq, 2006: 40)

What about the situation of women in Algeria?

C. Family Law in Algeria

Women, Citizenship and Power after Independence

Unlike Morocco and Tunisia that used to be French protectorates, Algeria had been a French colony and it was after a long and bloody war that it was finally able to get its independence in 1962. Algerian women had taken a courageous part in the struggle for independence:

They too, had fought, they had played a role in the liberation." But, the war over, they were given no consideration. They contested; they went as far as the National Popular Assembly. They held demonstrations. They were beaten up, jailed. (Nadia Aït Zai¹⁵, 2004: 50)

¹⁵ Nadia Aït Zai is a lawyer and director of the Centre of Information and Documentation of M'Barek Aït Menguallat Association in Algiers.

Not so long ago, very few men in the Maghreb accepted the idea that their female relatives should be autonomous, have a higher education and work at paid jobs. Their greatest fear was that their daughter, sister, niece, or wife might dishonour the family, even by just talking with an unrelated male. Algerian Mahfoud Bennoune reports that when he was held prisoner by the French during the War for Independence, he could not help comparing his situation with that of his female counterparts who were held prisoners in their own homes:

They were so often cut off from the world, controlled, humiliated. Forever condemned to domestic hard labour, they had to carry on without the least protest. (Bennoune, 1999:10)

Seldom did a man speak out like that in favour of women, particularly then. As a matter of fact, Bennoune mentions that few, indeed, were those of his companions who shared his views. Even in prison, they were determined “*to remain the jailers of women after the independence of their country*” (Bennoune, 1999:11). They all stated that they would never authorize their wife to go out unveiled or work outside the home (Bennoune, 1999: 13). For all these reasons, the birth of a girl was always seen as a disaster. One had to watch that this girl would not dishonour the family. As a result, girls would be cloistered in the home until they could be married, and they usually married very young, a practice that is still going on today in some countries. All of this is to say that, while the act of burying new-born daughters alive is no longer practiced today, the idea that girls are a permanent danger for the family’s reputation and honour remains.¹⁶

Algeria showed little effort to follow the evolutionary trend of the traditional family to a modern one, which is to say that the legal family code did not follow the social transformations and the rights of women. Women’s and men’s status remained faithful to the precepts of the *Shari’a*. Given these conditions, how could women emerge and gain power?

Tunisia had its PSC and Morocco its Mudawana, but Algeria offered mere promises to its women. As in Tunisia and Morocco, there were two trends in Algeria after independence, a reformist one and a conservative one. With which was the government going to choose to side? The fact was that the “reformist” group in reality held conservative views that “sought a

¹⁶As a matter of fact, infanticide has not really disappeared, particularly in countries such as India and China—where childbirth is limited to one per family— and Taiwan, South Korea, where the birth of a girl is a cause of serious concern. In addition, to find a husband, a girl has to provide a dowry which many families cannot afford. For these reasons and others, girls are left to die, if they are not killed before birth. Indeed, ultrasound and abortion have made it easier to avoid their birth. Infanticide is still practiced in rural areas. As a result, in Asia, there are 100 million fewer women than men. Lack of food provided to them is also a cause of early death among girls, and thousands are abandoned in orphanages (Benedicte Manier. 2006).

return to the original sources of Islamic law” (Charrad, 2007:183-184). The Family Code adopted was a mere continuation of the French legislation that had freed women from the “protection” of a guardian and raised the age of girls at marriage. Thus, between 1962 (Independence year) and 1984, a couple could get married with just two witnesses. Another article reports on women’s status:

[Women] were and are the first victims of the historic order, and the first to have known the disillusion of the promises of the liberation war. They were the sinews of war, combatants, fidaiyates¹⁷, nurses, secretaries, spies...After independence, they were invited to take care of the home and of subordinate jobs... (Abdelkarim Ghezali 2002: 5)

It was in 1984 that Islamic law started to be implemented, making of a female judge, commissary, lawyer... a second-class citizen. Both the *Sunna* and the *Qur’an* give women unequal rights, and thus, the “guardian” recovered his place attributed to him in the *Qur’an* in 1984. Concretely, it meant that women were to be secluded in order to conform to *Shari’a*. There was no family planning.

While Tunisia had opted for family planning since the early years so as to contain its demography, in Algeria there were large families living in overcrowded apartments and young men spent their time in the streets. For, unlike Tunisia that had undertaken a huge housing construction program immediately after independence, in Algeria there was a clear housing problem.

Algerian women expressed opposition, their disapproval and their growing impatience. One women’s organization chose to be called “20 years, *Baraket*,” meaning, “Twenty years, that’s enough,” and produced various documents to express their anger, in particular, they made a CD, a collective work in which several musicians and artists participated, addressing Algerian legislators and against the Family Code! President Boumeddiene had promised the Code would conform to the international instruments and that reservations would be lifted to ensure gender equality. But he did nothing of the kind and the Code that was promulgated in 1984 was a mere disappointment. Which led Algerian women to state bitterly that they had been “taken for a ride” (Tamzali, 2004:11).

In spite of her bitterness, Tamzali prefers to welcome the proposed amendments in a positive way and to think that:

¹⁷ Word from Arabic, meaning females who sacrificed their lives for their country. “*Fidaiyoun*” is the plural word used for males.

... they may be a mere step to reach the lifting of the reservations promised by Bouteflika before was elected President... For, it is time for Algeria to get out of 20 years of indignity... This is what we have been waiting for since November 1, 1954, fifty years ago. (Tamzali, 2004:13)

On February 27, 2005, great were the hopes of Algerian women when Law n° 84-11 of June 1984 was modified, bringing some improvements in women's status, without however, abolishing polygamy or the imperative for a girl to have a guardian. These restrictions were very important and it is not surprising that they were not good news for feminists. Indeed, it meant that women could be doctors, engineers, secretaries of state, ministers; but they still needed (until 2004 in Morocco and 2005 in Algeria) their father's or brothers' authorization to get married (Tamzali 2004), a law that the Tunisian Head of State had eradicated in 1956!

According to the Encyclopedia Britannica, Algeria's annual population rate remained high until the late 1980s when birth rates began to decrease, with a decline in fertility more pronounced in the cities because of more acute awareness and also of increasing use of family planning. In particular, population growth rate declined from 1.74% in 2000 to 1.209 in 2008 (CIA 2008).

So far, we have analyzed the situation of the three Maghreb countries, showing their similarities and differences. As seen above, the new feminist movement appeared in the 1980s in the three countries. Women are discriminated against because of their gender, feminists said, allowing violence against them. To put an end to this violence, discrimination should be eradicated by legislative bodies.

II- The women's movement takes shape and asserts itself

So far, we have analyzed the situation of the three Maghreb countries, showing their similarities and differences. As we have seen, the new feminist movement appeared in the 1980s in the three countries. Women are discriminated against because of their gender, feminists said, allowing violence against them. To put an end to this violence, discrimination should be eradicated by the legislation.

a- Women and violence in the Maghreb

Tunisian feminists have always expressed concern for women's bodies. Women are confined to the home, or wear a veil, so that the shape of their bodies cannot be seen. In

[Tapez un texte]

countries like Jordan or Pakistan women are victims of honour-killings. International Conferences on women had started drawing attention on the issue as early as 1975 (in Mexico): and ECOSOC (the Office for Economic and Social Support and Coordination) began to take resolutions as to the different kinds of violence inflicted on women and little girls. It was at the 3rd World Conference on Women in Nairobi, in 1985, that violence against the female sex became an important issue. In 1993, the International Conference on Human Rights in Vienna approved the Declaration on the Elimination of Violence inflicted on women prepared one year earlier at the UN. The issue remained important during the following World Women's Conferences in 1994 and 1995.

In Tunisia, The Tunisian Association of Democratic Women (ATFD) started working on the issue in 1991 by creating a space for women victims of violence or sexual harassment to go to for help. As reported by Ahlem Belhaj, a former Tunisian Association of Democratic Women president, at a seminar organized by CAWTAR¹⁸ in Tunis in September 2006, at the beginning, they did not know how to handle these issues as they did not yet have a strategy. The project was so well received that the Association had to find a way to tackle the flow of women seeking help. In 1993, a person on duty was appointed to receive those women before they created a real centre where women are listened to and oriented. At the same time, a commission was formed so as to find strategies to tackle this violence¹⁹. The same thing was and is being done in the other Maghreb countries.

As to the Maghreb authorities, they had, at first, denied there was such a thing as violence in their country: in a Muslim country, there could be no rape, no sexual harassment, no paedophilia, they said. The other point of view was that in a modernist country like Tunisia with its avant-gardist Code of Personal Status, women could not be victims of such violence. The third explanation given to a possible violence in the country was that it could only be found among the lower classes of society and that it would end with the eradication of poverty- an argument that is absolutely untrue as violence is a phenomenon that is to be found among all social classes (ATFD, 2008: 109-110-111). Also, it is not a problem particular to a country, but it takes place all over the world.

¹⁸ CAWTAR, the Centre for Arab Women Training and Research is based in Tunis. It liaises between governments and NGOs.

¹⁹ ATFD published a book in 1995: "Les violences à l'égard des femmes" (Forms of Violence Against Women). It is a report of the International seminar organized in Tunis by ATFD on 11, 12 and 13 November 1993.

The Centre created by ATFD never pretended to replace the State, but just to draw its attention to a problem that is damaging Tunisian society. And that is what matters for this organization. However, activist women denounce the government's ambiguity for, at the same time as it offloads a large part of its responsibilities to NGOs, unfortunately, it does not really recognize their role or the services they are providing (ATFD, 2008: 112). It is important that people realize that there is, indeed, a relation between discrimination against women and violence. This realization made Maghrebian women consider their respective countries' legislation. Laws should be implemented to protect women against violence.

The violence Algerian women were submitted to during the 1980s and 1990s is unprecedented. RACHDA (Rassemblement Contre la Hogra²⁰ et pour les droits des Algériennes= Rally against contempt and for Algerian women's rights) collected a series of articles, reports and files published between February 28 and March 18, 2002, in French and Arabic. One of them was written in the memory of a schoolgirl, Katia Bengana who was killed on her way back from school by Islamists because she wouldn't wear the *hidjab*: "*I had rather die,*" she had told her mother, "*than wear this hidjab against my will. And if one day, I found myself forced to do it, I would wear my Kabyl dress...but never this veil that they want to impose on us by force.*"²¹ On October 25, 1993, feminists belonging to the Algerian Assembly of Democratic Women organized a sit-in in front of the Presidency, determined to break the silence and denounce the masquerade organized by their decision-makers with those very ones who had murdered their husbands, brothers and friends. "*Together, we have decided to fight, first by organizing help for the victims of terrorism,*" Horria Saihi said (Quoted in ATFD 1995:125).

Sexual harassment is another form of violence women are often submitted to at the workplace and at home, whatever their age or position. It had been for a long time a taboo subject and women used to keep silent about it because of the shame it would bring on them. During more than a whole month, Algerian feminists used posters, workshops, films and testimonies at different places in order to inform, sensitize and encourage female victims of sexual harassment to break their silence and speak out. Sexual harassment always takes place when there are no witnesses, either at recruitment or when about to renew a work contract,

²⁰ "Hogra" is a word in Algerian dialect meaning contempt that was used by the Algerian Democratic movement in 2001 to designate the authorities' attitude towards the Algerian people.

²¹ This was reported by Katia's father, Rachid Bengana, in a text entitled "Hommage à la mémoire de Katia Bengana." (A tribute in the memory of Katia Bengana). Katia had been murdered in Meftah, on February 28, 1994. She was only 17.

according to Mrs. Samira Ghazali, from the National Commission of Female Workers in Oran, Algeria (UGTA for General Union of Algerian Workers). Fear of not being recruited or of losing a job leads some women to submit to such harassment, she said (Reported by Djamila L., 27-11-2008, in *Women Living under Muslim Law*). And this is why it is so difficult for a woman to accuse a male colleague, or boss of sexual harassment. In Tunisia, the Tunisian Association of Democratic Women, ATFD, launched a campaign against sexual harassment in 2000, calling for the necessity to elaborate laws in order to protect women at the workplace. In 2003, they organized a workshop on the sensitization techniques against sexual harassment. On 8 March 2004, a bill was presented to Members of Parliament, under the initiative of other representatives of civil society (Association Tunisienne des Femmes Démocrates. 2008, *Femmes et République: un combat pour l'égalité et la démocratie*: 75). A law was finally passed criminalizing sexual harassment, however with a provision that if a woman fails to provide proof of her aggression she can be sued by her aggressor. A point that ATFD tried to change, without success!

In Morocco too, feminists mobilized to sensitize the country on the issue of violence against women. As in the two neighboring countries, social taboos prevent the revelation of the real extent of the problem. Women's organizations in Morocco declare that, when a woman suffers violence, it is because of her gender; and that the physical violence exerted by men against women targets their femininity (Centre d'Information et d'Observation des Femmes Marocaines, April 2004: 27).

The democratization that followed independence did not fulfil its promises; this is to say that the exhilaration that followed did not take into account that democracy should be shared by all, men and women, on equal footing. Conservative trends maintained a strong hold among the populations and did not want to change the basis of the family; they saw women's place in the home, in the private sphere and occasionally in the public sphere, but under the condition that women continue to perform their duties as housewives, wives and mothers. Habib Bourguiba himself did not hesitate to remind women that although work was essential for women's emancipation, it "*should not lead to extremes in the Western way*," for that would lead to the overturning of the "natural order" of things (Marzouki, 1993: 160.). He specified that his goal was the protection of the family by maintaining men as their chief

heads²². He went still further by declaring that he had never tried to have women turn against their husband, nor to allow any transgression of moral norms. In spite of the revolution he had created with the promulgation of the CSP, there were things that sometimes made him retreat, particularly when he felt increasing resistance to the changes he had brought about.

If the economy deteriorated, curiously, Bourguiba, the liberator of Tunisian women was also to say that women's work outside the home was not necessary and that women could, instead, use their age-old skills and work at home, as their elders had traditionally done until the recent past! He even suggested part-time work as a solution for women unable to cope with their many responsibilities (Cited by Marzouki, 1993: 161).²³ The National Union of Tunisian Women of course endorsed all of the declarations made by the President whose message was transmitted via the radio and television and also the National Union of Tunisian Women's programs throughout the country. In such a context, how could a culture of equality between the sexes develop? Tension grew among the emerging generation of Tunisian young women who rebelled against such views about the limits imposed on their roles in the home sphere and work sphere. For, indeed, mothers continued to teach their daughters that their main responsibility was to take care of a home and their sons that they were to be the providers of the family, giving them more freedom while trying to keep their daughters at home, away from temptations and unsafe encounters. But, combined with the effects of education and constitutional principles of equality between the genders, the Personal Status Code served as a *"platform for second generation reforms that are allowing women to ... share power with men ... on the forefront of the national scene"* (Barrouhi, 2006:39).

b- Women's empowerment in the Maghreb

In the three Maghreb countries, as in the rest of the world as a matter of fact, women have understood that their way out—for autonomy, economic independence- was education. As a result, their numbers in educational institutions have risen, whereas it is the opposite for men who tend to leave school early in order to land a job.

²² Cited by Marzouki. Tunis: 26-29 December 1962. Habib Bourguiba's speech, Reports of the 3rd Congress of the National Union of Tunisian Women. Tunis.

²³ Cited by Marzouki (1993 : 161). Habib Bourguiba's speech. Monastir, 10-13 August 1981 Report of the 7th Congress of the National Union of Tunisian Women. As a matter of fact, the current President, Zine el Abidine Ben Ali, also offered women the possibility to work part-time for $\frac{3}{4}$ of their salary and benefit for a full retirement, a proposition that Tunisian feminists do not agree with. Working housewives just need the facilities that are necessary like nurseries and kinder-gardens

In Algeria, women are found to “... *desire to attain a higher social standing through academic achievement.*” On March 2, 2002, President Abdelaziz Bouteflika Algerian reflected on women’s plight and declared:

... equality in rights and duties between men and women, stipulated in the Constitution, should have led the legislator to adapt the laws that are still stained with discrimination, not to say with injustice toward women in general and toward divorcees in particular (Cited in RACHDA. 2002: 6).

Following which, feminists were rather content with the results. Indeed, in June 17, 2002, 5 women were appointed to positions which no woman had ever been entrusted with. Boutheina Cheriet became Minister of State, reporting to the Head of State, in charge of the family and feminine condition; Fatiha Mentouri, Minister of State, reporting to the Minister of Finance, in charge of financial reforms; Leïla Hammou Boutlelis Minister of State, reporting to the Minister of Higher Education, responsible for scientific research, Fatma Zohra Bouchemla Minister of State reporting to the Head of State, in charge of the national community abroad, and finally Khalida Toumi Minister of Communication and Culture and the government’s spokesperson (RACHDA 2002). If women are able to hold such jobs, a high level of education is a prerequisite.

According to a July 2008 study from the National Social and Economic Council (CNES), the more advanced the class level, the lower the percentage of male students. The report concludes that females “appear to be more interested in learning and have become outstanding achievers. They represent 61% of graduates of higher education (Jameh 2008). This achievement explains their current strong representation among the intellectual elite in Algeria, CNES concluded. Indeed, Algerian women comprise 37% of the justice sector, 50% of educators, 53% of health professionals and 32% of senior positions in the state. According to a sociology professor from the town of Bejaia, girls’ educational achievement liberates them from their families' control. "*Their academic brilliance helps them launch a career and hence depend on themselves, instead of being dependent on their families for support,*" the professor said (Jameh, 2008-08-31).

In 2006, Algerian women represented “*15% of the members of government, 27% of the decision-makers in the ministerial structures, 23% of deputies, 23% of municipal advisers, 20% of diplomats, 27% of magistrates, 35% of Journalists and 40% of secondary schools and higher education*” (Barrouhi, 2006:39).

[Tapez un texte]

However, and in spite of all of these achievements, a lot needs to be done for women to enjoy equal rights and women's organizations in the three Maghreb countries have been very active, providing training, producing guides, training manuals, brochures, documentaries, films, CDs and opening spaces for women in need of advice, help, training and information about their rights. At the same time, they have been claiming equality as a human right they are entitled to. But what can be their impact if they do not have the freedom to express themselves, if they are prevented from organizing and working, if they are denied the use of the media to make their voices heard by the masses? If they are not allowed to use public places for their meetings²⁴? How can they move on? What are their chances of reaching their goals? The Family Code of 1984 had been offered to the Islamists leaving feminists desperate for change. Twenty years later, the new Family Code was a bitter disappointment. Mina Caci called it "*The Code of Infamy*." Indeed, it did not improve women's lot as the case of Radia "

She is sitting there [in the street with her two children for five years], under the arcades of the big Boulevard, directly on the ground, on cardboards. Her eyes are distraught, imperturbable, and ignore the movement of the street. Muffled up in a black hidjab, she rocks a child singing softly... (Rachda. 2002. Femmes contre l'oubli: 83)

For, if the family owns only one house, "*and it is by far the most frequent case, [in case of divorce] the wife and her children are invited to leave it, even though they should stay in the street*" (Rachda, 2002: 79). Aida Touihri reports on the plight of Algerian divorcees: "*Repudiated wives have been thrown out in the street with their children, quite legally. They have often turned into homeless women*" (Touihri 2004: 50).

In Tunisia, women's representation in the workforce was 24.3% in 2005. It was hardly 6% in 1966! Women are to be found in all the sectors of the economy: 43% in manufacturing industries, 32% in agriculture and fishing and 21% in administration. 72% of pharmacists are women, 42% of the medical profession, 34% journalists, 51% of primary school teachers, 48% of secondary school ones, and 40% of those of higher education. Ten thousand women were company directors in 2004.

In the legal sector, women represent 27% of judges and 31% of lawyers. In 2004, and for the first time, a woman was appointed public prosecutor and another one judge at the Directorate General of the Higher Institute of Magistrature (Marsaud, 2006: 113).

²⁴ In Tunisia, unfortunately, NGOs are often refused the use of public places for their seminars, congresses and they have no choice but to organize their activities at their own headquarters. The media also seldom cover their activities. It is not so in Morocco.

III- Counter trends to gender equality

However, in the 1980s, and after an admirable development and modernization effort, following the Iranian revolution with the advent of Khomeiny at the head of Iran after the outing of the Shah, the Islamist movement that had emerged there, in the rest of the Arab world, and even in the West as a matter of fact, began to be felt in the Maghreb where it took the population by surprise. But, it was not really a surprise if we consider how this phenomenon came about. Technology is certainly behind it through satellite channels, the internet²⁵ and, I would add, the facilities provided for people to go to Saudi Arabia for the *Haj*, pilgrimage, or for a simple *Umra* (small pilgrimage). Many of them keep the Islamic dress when they come back from there. Iqbal Gharbi, a scholar teaching at the famous Ezeitouna Islamic University declares: “*Today, some sites address Muslim women directly*” (2007: 20). In the early 1990s, there was a single Islamic organization with a website: the Egyptian *Jamaa islamiya*. There are many such organizations today. “*These feminine sites give importance to style and aesthetics... they use glittering colours. They show a preference for pink, blue and green, as well as romantic landscapes, such as sunrises*” (Gharbi, 2007: 21).

For example, in Tunisia, after getting rid of their veil²⁶, some women of all age groups took to wearing it again, most of them out of personal choice. However, they did not wear the traditional “*sefsari*” that belongs to their recent past culture, but one that has been adopted worldwide as a sort of uniform and as an expression of their belonging to an international Islamist movement. This Islamist outfit varies in colours and style, but it is always one that covers hair, arms and legs. That was new and unusual in the Tunisian landscape. It was and is currently adopted by women from all age and social groups. At the same time as women were advised to wear a *hidjab*, they were invited not to mingle with men, either at work or in public transport. They were advised not to take an elevator with a man, not to adopt any contraception method or practice sports (Belhassen, 1989). However, Egyptian scholar Mervat Hatem offers another point of view on the subject:

While patriarchal Islamist groups have sought to impose conservative gender rules on women, Islamists and other Muslim women have not passively accepted them. The streets of most cities and villages in the region show that veiled women have not heeded

²⁵ The Tunisian government cannot control all of the Islamist channels although they often criticize Tunisia for the way it treats Islam.

²⁶ Prohibited in schools on January 10, 1957.

In 1981, Decree 108 prohibited the wearing of *allibas al-taifi* (sectarian outfit) at public places, considered anti-constitutional by both its Islamist and secular detractors that countered it by Article 5 of the Constitution guaranteeing the inviolability of the person, freedom of conscience and freedom of religion.

the call to stay home; instead they have used their Islamic mode of dress to create their own public place, where they are treated with respect. (Hatem, 2002: 44)

This Islamic mode of dress is thus a protection and women can therefore invade the public sphere without fear. They do not have to stay confined to the home like their elders. They can study; they can drive a car; they can go to public places; and, like the Prophet's wives, they are respected²⁷. It should be noted, however, that although Tunisian feminists disagree with the *hidjab*, they do not agree with the fact that it should be prohibited.²⁸ People should be free to choose the way they want to dress: this is democracy!

However, it is clear that, in the three countries of the Maghreb neither the authorities nor the feminists agree with wearing the *hidjab*. “*If we accept today the hidjab,*” the Secretary General of the Constitutional Democratic Rally said in October 2006, “*tomorrow, we'll be compelled to accept that women's right to work, vote, and education should be denied and that they should be confined in a procreation role*” (Kefi 2006a: 46). The very Minister of Religious Affairs, Mr. Aboubaker Akhzouri made a declaration that infuriated the Arab world: “*The hidjab is an imported phenomenon. We consider it as a sectarian dress, dissonant and foreign to our traditions...*” (Kefi, 2006b: 74). “*Do [these Tunisian females] know...that they lose their status of citizens equal in right and duty with men to take on that of second-class citizen...The implementation of the Shari'a claimed by all Islamists makes of women legally inferior beings...*” Foued Zaouche (2007: 19) writes.

It was against all of these discriminations and others that the U.N. adopted a huge program meant to encourage and promote gender equality throughout the world.

IV- The UN and Women's rights

After several years of preparations, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 by a vote of 130 to none with 10 abstentions. It had to be ratified by all member states. However, in consideration for the differences between the different nations of the world, it was agreed that member states could ratify the Convention while making reservations on articles that could be in contradiction with their principles, beliefs or religion. What mattered first was to have as

²⁷ Another explanation is given about the *hidjab*, in al-Nur (Light) and al-Ahzab (Factions) in the *Qur'an*, Free women are advised to wear the *hidjab* so as to be distinguished from slaves. If the *hidjab* is a question of social status, today it is worn by all social classes.

²⁸ Declaration made by Khedija Cherif, former president of the Tunisian Association of Democratic Women on the opening day of their last Congress, on 28 November 2008.

many nations as possible adhere to it. Periodic reports are presented and discussed, allowing for gradual progress to be achieved.

CEDAW came into effect in 1981, obtaining the strongest universal membership with, paradoxically, the most reservations. So far, 185 countries have ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), and only three Arab countries failed to do so.²⁹ All of the 18 Arab States that ratified CEDAW made some reservations though, mainly on Articles 9, 15 and 16³⁰. All of these articles deal with women's status in the family. Women in the MENA region are demanding: an end to all forms of discrimination against them (Article 2); equality in the public sphere (Article 7); the same rights as men in the acquisition, change and upholding of nationality (Article 9); equality before the law in terms of women's legal capacity, freedom of movement and residence (Article 15); guarantee of full and free consent to marriage, equality in marriage and divorce, freedom to choose when/whether to become pregnant, children's guardianship, children's custody and adoption, choice of children's names, profession or occupation (Article 16).

Tunisia was the first to sign the Convention on July 24, 1980 and ratify it in September 20, 1985. Morocco followed in 21 June 1993, and Algeria in January 22, 1996. They all made reservations. Some of these reservations have been lifted. In Tunisia, the main one remains inheritance, Muslim men inheriting the double of a woman's share. Maghrebian women declare that if it has been possible to change the Islamic law that made uncles inherit when there are no male descendants, then it should be possible to establish an equal inheritance law. In the three countries studied, women can now inherit from their father. It is still impossible for a Muslim woman to marry a non-Muslim, at least in the Maghreb, but if the marriage takes place abroad, it is then recognized. Women married to foreigners can transmit their nationality but in Tunisia, under the condition that the father agrees to it.

In Algeria, women compete with men in the work sphere but it is far from being so in the home where men remain the ones in charge of the family. In 2004, President Abdelaziz Bouteflika considered the debate fruitless and promulgated a bill having the power of law that takes Islamic law into consideration. The new Code remained patriarchal in spite of the fact—like in Tunisia and Morocco—that equality between the sexes was established with the

²⁹ Sudan, Somalia and Qatar.

³⁰ Article 9₂: Member States grant women rights that are equal to men's in terms of their children's nationality.
Article 15: Member States recognize the same rights to men and women in terms of the legislation relative to people's right to move about freely and to choose their residence and home.
Article 16: Member States take all the measures that are necessary to eliminate discrimination toward women in all the issues that are to be found in marriage and in family relationships and, in particular, on the basis of equality of men and women.

abolition of the notion of obedience. There was a reform of the national law that allows each of the husband and wife to transmit their nationality to their children. A woman can divorce if her husband takes a second wife. A man cannot marry a second wife if the first one refuses. But if he has a mistress and if she gets pregnant, he is allowed to marry her and divorce the first one. Algerian Nadia Aït Zai said that religious marriages (illegal in Tunisia, because there are no marriage contracts) are considered positive because they legitimate children and a great help to single mothers.

President Bouteflika has just lifted the reservation on Article 9-2 of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, on January 1, 2009 (Women Living Under Muslim Laws, 2009).

Maghrebian women still on the move for equal rights

The 1980s being the decade of the rise of the new feminist movement in the Maghreb, women's organizations used the CEDAW as a key support for their claims to equality. They acquired and provided training and strength while working for equal rights³¹. The International Conference on the ratification of the CEDAW and the implementation of the Facultative Protocol that took place in August 2005 in Malaysia was followed, in June 2006 by a campaign in Rabat, Morocco, at the invitation of ADFM, the Democratic Association of Moroccan Women. The document that came out of this meeting is to be found below:

“A campaign for having reservations against CEDAW lifted

Eliminating discrimination against women in the Arab region

“Equality without reservations”

For the withdrawal of reservations and the ratification of the Optional Protocol to CEDAW by Arab states

³¹ In Tunisia, a few books were published by either AFTURD or ATFD or together. For example, ATFD published “Les violences à l’égard des femmes” in 1995 and “Femmes et République: un combat pour l’égalité et la démocratie” in 2008. (Violence against Women) in 1995 and « Women and Republic; a struggle for equality and democracy). AFTURD published two books about inheritance: «Egalité dans l’héritage. Pour une citoyenneté pleine et entière.» Book I: «Histoire, droits et sociétés» (Equality in Inheritance. For a Full and total citizenship.” and Book II: Plaidoyer pour l’égalité dans l’héritage.» (Plea for Equality in inheritance). Research done by female activists encouraged scholars to do the same and another book about inheritance was written by a male and a female scholars: Ali Mesghani and Kalthoum Meziou-Douraï in 2006: “L’égalité entre hommes et femmes en droit successoral.” (Equality between men and women in inheritance right).

NGO declaration on the occasion of the 1st session of the Universal Periodic Review (UPR)

While Arab countries form a region rich in potential and resources, they are amongst the least advanced in matters of equality between women and men. Progress achieved in certain areas, through the efforts of women's movements, pales into insignificance in the context of flagrant discrimination and violence perpetrated against women in all spheres of life, both public and private.

Today, in the overwhelming majority of countries in the region, laws regulating family life constitute a system of exclusion and discrimination against women. The negative impact is that these laws are reinforced by other bodies of legislation (Nationality Codes, Criminal Codes etc.). These laws violate the most basic rights and the most fundamental freedoms of women and girls. Such is the case where girls can be married as minors, where polygamy is permitted and practised, and where women are deprived of equal rights in marriage, divorce, custody of children and inheritance. In the majority of countries in the Arab region, women cannot transfer their nationality to their children. In certain countries, the law permits, implicitly and in the name of honour, male family members to kill women, by allowing the man to benefit from mitigating circumstances, under provisions applying to so called 'honour crimes'.

In the same vein, it is rare that the law protects women from discrimination and violence, particularly in the domestic sphere. It is even rarer for states in the region to put in place temporary measures to counterbalance glaring deficits in the participation of women in political and public life, or to implement policies promoting a general culture of equality.

The majority of Arab countries have ratified, though belatedly, the Convention for the Elimination of all forms of Discrimination against Women (CEDAW), with the exceptions of Sudan, Qatar and Somalia. However, ratifying CEDAW does not have a concrete impact on the status and situation of women in the region for two main reasons:

- States in the region have entered reservations to core provisions of the Convention, in particular articles 2,9,15 and 16; and
- Ratification has not generally been accompanied by the necessary strategies and measures to bring public policies and national legislation into conformity with the spirit and the provisions of CEDAW, including those in respect of which no reservation has been entered.

In this context, human rights organisations and women's rights organisations throughout the region united in Morocco in June 2006 to launch the Rabat Appeal for the regional campaign

[Tapez un texte]

« **Equality without reservations** ». Today, this campaign continues and is gaining force both at the international and regional levels to demand governments in the region to take immediate action for:

- The ratification of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the withdrawal of all reservations;
- The implementation of the CEDAW Convention and the harmonisation of national legislation with its provisions on civil, political, economic, social and cultural rights;
- The ratification of the Optional Protocol to CEDAW, as an essential instrument to ensure its implementation and to reinforce the fight against violence against women and violations of women's rights, individual and collective, in Arab Countries.”

Women’s activism certainly did not stop there. Indeed, in 2006 Tunisia celebrated the 50th anniversary of the Code of Personal Status. It was an event that was celebrated with great pomp by Tunisian feminists and human rights activists. A civil society register of grievances was produced on the occasion.³² In this register, while expressing their pride to belong to the country of the Code of Personal Status, male and female Tunisians demanded the consolidation of this gain and the effective consecration of non-discrimination against women, in particular in the home sphere. Indeed, in spite of the amendments that were added to the Code of Personal Status, women are maintained in an unequal situation compared to that of men who remain family heads and inheritance right is largely dependent on the dispositions set by Islamic law.

Ever since their foundation in 1989, both the Tunisian Association of Democratic Women (ATFD) and the Association of Tunisian Women for Research and Development (AFTURD) have endeavoured to examine the diverse discriminations they were subject to because of their gender. They have been organizing press conferences, roundtables, seminars, workshops, and various other events in a commitment to struggle for public liberties and for democracy.

On the fiftieth anniversary of the promulgation of the Code of Personal Status, ATFD and AFTURD published “15 Plea Arguments for inheritance equality between the sexes” that

³² The following organizations collaborated in this event: ATFD (Tunisian Association of Democratic Women), AFTURD (Association of Tunisian Women for Research and Development), Tunisian League of Defence of Human Rights, UGTT (Tunisian General Labour Union-National Commission of Working Women), AM (Tunisian branch of Amnesty International), and CME (Collectif 95-Maghreb Egalité).

ends with the following remark: 1) that it is time to abolish privileges, 2) modify inheritance law, and 3) establish inheritance equality between the sexes.

In 2006, AFTURD published two books on inheritance.³³

On January 23-24, 2009, ATFD organized in Tunis a Maghrebian seminar on “Equality in inheritance” entitled “Nothing Justifies Discrimination in Inheritance.” It was attended by women’s organizations from Tunisia, Morocco and Algeria, with another country included this time: Mauritania. International seminars allow new acquaintances to be made and this is how Mauritania has come to be included in this Maghrebian meeting.

Women’s status in Mauritania is totally different, at least from those of Morocco and Tunisia. Perhaps the most dramatic fact about this country is that it is one in which slavery is still practiced and that, of course, allows men to treat women of all age groups as sexual objects. The plight of female slaves--generally black--and of their children who, of course share the same status, is terrible. Another form of violence against women is excision, although no mention was made about it during this seminar.

Aminatu Mint Moctar, President of the Mauritanian Female Breadwinners Association, states that in her country, marriage is not governed by texts. Mauritania functioned without a Family Code for 40 years and only in 2001 did it adopt one that is inspired from the Moroccan Mudawana: but in reality, it is much different. This Code includes 107 articles but not a single one is in favour of women. Mauritanian women do not have to share spending for the household, they are entirely provided for and even when they are poor, they have a maid to do all the housework for them. In case of divorce, children stay with their father. Women generally do not work because of a lack of education. Being an Arab-Berber community, they used to have polygamy until the promulgation of the Family Code in 2001. This has resulted in many problems that women have to face, a lot of violence in particular. Religion is back everywhere.³⁴ Inheritance is the most delicate issue for it is against the Shari’a. How could this issue be tackled? “Through the Shari’a?” the Mauritanian feminists attending the seminar asked. Through international legislation? The return of religion is increasingly felt, not only about inheritance, but mainly amidst the family. Children have to be brought up in an atmosphere of Muslim tradition. This situation can be witnessed in the tribunals’ files. Networks involved in trafficking under-age girls have developed, in particular, some sent to

³³ Egalité dans l’Héritage. Pour une citoyenneté pleine et entière. Book I : Histoire, Droits et Sociétés. Book II : Plaidoyer pour l’Egalité dans l’Héritage. (Equality in inheritance. For a full and total citizenship. Book I: Rights and Societies. Book II. Plea for Equality in Inheritance).

³⁴ In Mauritania, 100% of the population is Muslim.

marry Saudis even when they are hardly 6 years old. One of them came back divorced at age 9. She is currently being cared for by a women's NGO.

Mauritania was not included in this research: but, since it has recently joined the Maghrebian women's movement, it is interesting to mention it in order to draw more comparisons. Indeed, we can see that in spite of the fact that they have a lower status than their peers in the three other Maghreb countries, Mauritanian women are aware and on the move to improve their lot. We can also, by comparison, see how much women in the other Maghreb countries have been able to accomplish, thanks to their activism, and hope for progress in Mauritania!

The participants belonging to the four countries agreed about the necessity to strengthen links among them and implement a unified plan urging their respective governments to end discrimination against women, in particular in terms of inheritance rights. Participants also agreed to mobilise religious experts, as well as artists, academics and lawmakers. New legislation in the recent Mudawana allows parents to give their daughters the same inheritance as their sons by writing a will, Moroccan Nabia Haddouch said (January 23, 2009).³⁵

Inheritance law is so deeply ingrained that it is an accepted fact for many. Now that the issue has been raised, it is hoped that more people will be aware that it is a discriminatory law that is unfair to women. So far, never has a woman filed a lawsuit to protest unfair distribution of inheritance, Sana Ben Achour, law professor said at the seminar on inheritance rights she chaired as President of the Tunisian Association of Tunisian Women (24 January 2009). It is hoped that women will in the future so as to accelerate the process, particularly as the Tunisian Constitution declares women and men equal. Tunisian lawyer Alya Cherif-Chammari pointed to the fact that *ijtihad*—interpretation of the holy texts—could help. And Khedija Cherif, sociologist and former president of the Tunisian Association of Democratic Women suggested that they change their means of defence of the inheritance issue, mentioning that when they staged a campaign against the veil, they only saw an increasing number of veiled women in the country!

Conclusion

In spite of the progress that is being made--followed by the Commission on the Status of Women that meets regularly in New York in March of every year--discrimination against women is far from overcome. Discriminatory laws are still impeding women's access to gender equality, in spite of the 1979 Convention on all the discriminations against women and

³⁵ I attended the seminar and the notes are mine.

in spite of the Platform for Action for women's empowerment adopted at the 1995 Fourth Conference on Women.

Women's organizations in the three Maghreb countries have been urging their respective governments to bring about changes since the 1980s. They have been working on their own or together in coalitions and many of the gains made so far owe much to their activism. They have also been lobbying their Members of Parliament or at the UN at the Commission on the Status of Women. One of the barriers to change in some of the claims made is the fact that no law suits are being filed claiming equality, as is the case in situations of inequality of inheritance.

Tunisian lawyer Bochra Bel Hadj Hmida Sahli confirmed this assessment at the last Maghrebian seminar held in Tunis about issues of gender and inheritance, but she said that an increasing number of people have become aware of this injustice and are circumventing the law. Indeed, she said, about twice a week she has people come to her office to give in writing the same inheritance to their daughters as they are giving their sons. What is needed is just that: to have more people aware of the injustice that makes girls inherit half of what their brothers get. In time, this could help bring the legal change hoped for. Clearly, the family remains the stronghold of patriarchy.

In this research, we have seen the huge gap between a country like Tunisia and Mauritania. We have seen the gains achieved by Moroccan Women in the recent years; and we have seen that Algerian women still have a long way to go, at least compared to Morocco and Tunisia. While the situation is much worse for Mauritanian women.

We have seen that the major change common to the three Maghreb countries examined in this research is women's attitude towards education. In the past, girls and their parents would give more importance to marriage than to education. Many were content with some education and a housewife status. Nowadays, girls are showing a real will to succeed and to have a good job and a career. This phenomenon is more pronounced in a small country like Tunisia that has a larger middle class than Morocco for example. But it has been gaining ground in the neighboring countries.

There actually has been a shift in attitudes toward gender roles, the changes brought recently in December 2008 in Morocco with King Mohamed V lifting additional reservations to CEDAW testifies to this shift and brings hope that more will come in the future. Changes will be slow, but they will come. However, how many women do and will actually benefit from them? Will women living in rural areas--representing the largest part of the population--where traditions and customs are so embedded, see an improvement in their lives? Women's

[Tapez un texte]

NGOs have a considerable work to do. Undemocratic gender relations are not only due to economic hardships. Indeed, the example of wealthy Saudi Arabia where women are not allowed to drive is a good example. In the oil-rich Gulf countries, women cannot pretend to be the equals of men, therefore, they do not have the same rights. Real change has to be brought in the mentalities, and this is the hardest thing. *“The absence of political reform”* means that *“qualified women in many parts of the MENA region continue to find their employment opportunities limited.”* (Newton, 2008: 12)

In the three Maghreb countries, there is a serious pressure for radical change in gender roles. This pressure is not as powerful as it could be or as it would have been because of a lack of democratic culture. But still, the information and communication technologies are circulating information among different groups of women, the world over. Maghrebian women are working in close partnership, toward the same goal: gender equality.

In Tunisia, inheritance is the last bastion against conformism and State feminism. The struggle women are involved in is a fundamental element to reach equality. Clearly, religion is at the root of the problem. According to these women as well as to their male supporters, there must be a separation of religion and politics. A secular philosophy is needed to counter the biases against women's equality. Can there be equality without secularism? The answer is definitely “no” for all of the women activists in the Maghreb countries. Should they opt for *“ijtihad”* (interpretation of the Qur'an) as Bourguiba did when he abolished polygamy³⁶?

Maghrebian women think that the perspectives for the future are not so dark. They believe that, if there have been changes, the feminist movement has largely contributed to it.

Clearly, there have been gains, gains being the fruit of male and female struggles for human rights. Strategies through a multidisciplinary work are needed to develop *ijtihad* feminism. Women's struggles are being supported by outside help such as the recent program launched by the European Union on January 28, 2009 to promote gender equality in the region. Nine Mediterranean countries are to benefit from this program: Tunisia, Algeria, Morocco, the Palestinian Territories, Israel, Jordan, Egypt, Lebanon and Syria. The Centre of Arab Women for Training and Research (CAWTAR) will be responsible for implementing the program, in cooperation with TRANSTEC, a Belgian organization. The program will last three years and it sounds just like the necessary platform to boost the women's movement for equality and democracy in the region. The program has been entitled "Enhancing Equality

³⁶ Bourguiba explained his decision by stating that the Qur'an declares a man can have four wives provided he treats them equally. But, that being impossible, then he can have only one wife.

between Women and Men," which describes perfectly the struggle Maghrebian women have been involved in since the 1980s!

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