

Social Institutions and Gender Index

Tunisia

SIGI Country Profile

17 of June 2024

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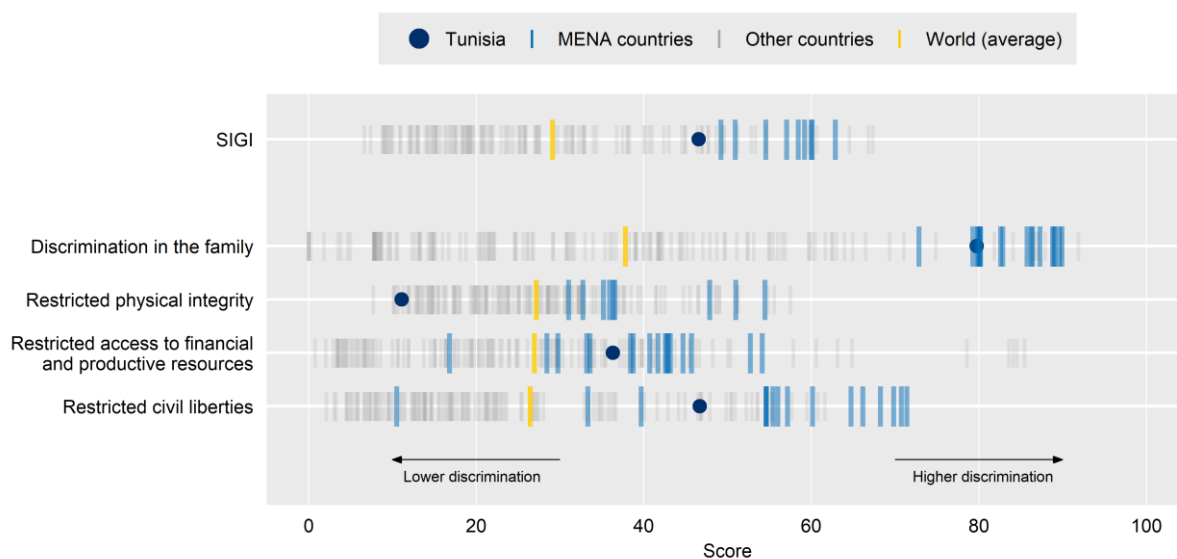
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Social institutions in Tunisia

The state of gender equality in Tunisia

The SIGI 2023 profile for Tunisia provides a comprehensive overview of the state of gender equality in the country, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

Figure 1. SIGI and dimension scores for Tunisia, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

In 2023, Tunisia obtained a SIGI score of 47 denoting high levels of discrimination, compared to an average score of 56 in the MENA region, denoting very high levels of discrimination, and a world average score of 29 (Figure 1).¹ The country obtained a score of 80 in the "Discrimination in the family" dimension,

¹ Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follow: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

followed by “Restricted civil liberties” (47), “Restricted access to productive and financial resources” (36) and “Restricted physical integrity” (11).

Legislative framework in Tunisia

The legal system is based on Civil Law. Article 1 of the Constitution recognises Islam as the religion of the State. Personal matters (e.g., marriage, divorce, child custody and inheritance) are governed by a unified Personal Status Code applicable to all citizens.

Although gender-based discrimination is prohibited in the country (Article 21 of the Constitution), the law does not recognise or prohibit multiple/intersectional discrimination – an essential provision to enhance gender equality from a legal perspective. Tunisia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)² in 1985 but expresses a general reservation,³ stating that it shall not take any organisational or legislative decision in conformity with the requirements of the Convention that could conflict with Chapter I of the Tunisian Constitution.

Gender-disaggregated, gender-relevant and intersectional data and indicators are essential to better identify policy areas that have strong linkages with gender. In Tunisia, there are no applicable legal provisions regulating the production and dissemination of gender statistics.

Positive highlights and significant challenges since the fourth edition of the SIGI

✓ Positive highlights

The law in Tunisia protects women’s right to bodily autonomy and integrity, guarantees gender equality in access to productive and financial resources, and establishes mechanisms to address discrimination in the public sphere. For instance, the law strictly prohibits female genital mutilation and cutting (FGM/C) and protects women’s access to safe and legal abortion upon their request. Likewise, the law grants women and men the same rights to own and use land and non-land assets as well as financial services. However, informal laws often undermine women’s access to land assets in practice. Moreover, since 2014, legislated quotas are in place to promote women’s political participation at the national and local levels.

! Significant challenges

Discriminatory social institutions undermine women’s and girls’ rights in the family sphere and limit their citizenship rights and economic opportunities. The Personal Status Law contains discriminatory provisions that restrict women’s rights to be legal guardians of their children, to file for divorce, and to inherit on equal grounds as men. Attitudes and norms perpetuate these inequalities, pressuring women to maintain a reproductive and caring role within the family which can undermine their economic opportunities. For instance, 72% of the population believes that when a mother works for pay the children suffer and women spend on average 8 times more time than men on unpaid care and domestic work. Moreover, the law prohibits women from entering certain professions, to work the same night hours as men, and does not mandate equal remuneration for work of equal value. In addition, a woman does not have the same rights as a man to confer her nationality to her spouse and children.

² United Nations (1979), *Convention on the Elimination of All Forms of Discrimination Against Women*, United Nations, New York, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

³ United Nations (2023), “Status of Treaties: Chapter IV- 8. Convention on the Elimination of All Forms of Discrimination against Women”, *Treaty Collection*, United Nations, New York, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4.

Summary of results for Tunisia

Discrimination in the family	Unit	Value
Laws on child marriage	Score	50
Girl child marriage rate ¹	%	0.6
Boy child marriage rate ¹	%	0
Laws on household responsibilities	Score	100
Share of the population that agrees or strongly agrees that “if a woman earns more than her husband, it is a problem”	%	44.3
Share of the population that agrees or strongly agrees that “when a mother works for pay, the children will suffer”	%	71.5
Female-to-male ratio of time spent on unpaid care and domestic work	Ratio	8.1
Number of hours spent by men on unpaid care and domestic work in a 24-hour period	Hours	0.6
Number of hours spent by women on unpaid care and domestic work in a 24-hour period	Hours	5.3
Laws on divorce	Score	75
Laws on inheritance	Score	100
Restricted physical integrity	Unit	Value
Laws on violence against women	Score	50
Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances	%	29.4
Lifetime intimate-partner violence rate ²	%	25
12-month intimate-partner violence rate ²	%	8.3
Laws on female genital mutilation	%	0
Share of the female population who has heard about female genital mutilation and think the practice should continue	%	-
Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM)	%	-
Boy-to-girl ratio at birth (natural = 105) ³	Ratio	105.4
Laws on reproductive autonomy	Score	0
Unmet needs for family planning ⁴	%	12.5
Restricted access to productive and financial resources	Unit	Value
Laws on land assets	Score	25
Share of women among landowners	%	-
Laws on non-land assets	Score	0
Share of women among house owners	%	-
Laws on financial assets	Score	0
Share of women among bank account owners	%	41.1
Laws on workplace rights	Score	100
Share of the population declaring that “when jobs are scarce, men should have more right to a job than women”	%	64.7
Share of the population declaring that “men make better business executives than women do”	%	44
Share of women among managers	%	14.8
Share of firms with a woman as top manager	%	10.4
Restricted civil liberties	Unit	Value
Laws on citizenship rights	Score	100
Laws on political voice	Score	25
Share of the population declaring that “men make better political leaders than women do”	%	58.5
Share of women in Parliament (lower chamber)	%	26.3
Laws on freedom of movement	Score	0
Share of women among those who declare not feeling safe walking alone at night in the city or area where they live	%	57
Laws on access to justice	Score	25
Share of women among those who declare not having confidence in the judicial system and courts of their country	%	43.3

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

¹ % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

² % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

³ A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

⁴ % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

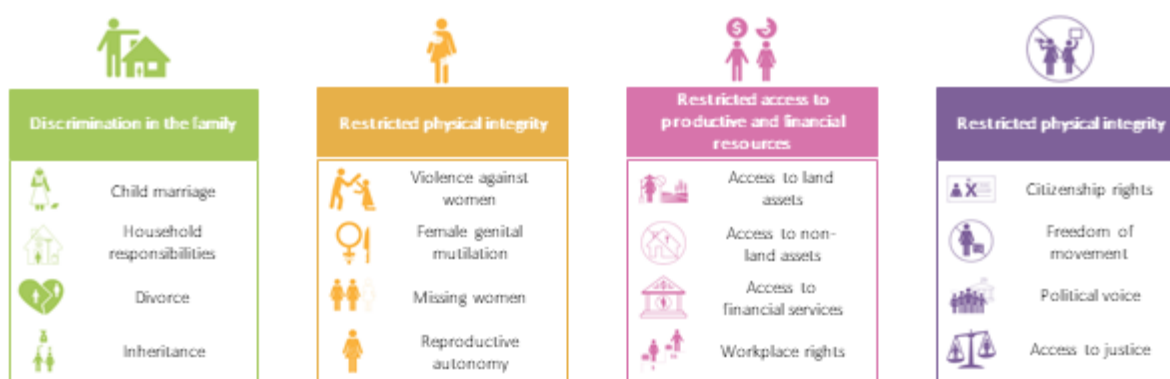
Source: OECD Development Centre/OECD (2023), “Gender, Institutions and Development Database”, <https://doi.org/10.1787/7b0af638-en>.

Results across the SIGI's four dimensions

The SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:



- The **“Discrimination in the family”** dimension captures social institutions that limit women’s decision-making power and weaken their status in the household and the family.
- The **“Restricted physical integrity”** dimension captures social institutions that increase women’s and girls’ vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **“Restricted access to productive and financial resources”** dimension captures social institutions that limit women’s economic opportunities and rights.
- The **“Restricted civil liberties”** dimension captures social institutions restricting women’s access to, and participation and voice in, the public and political spheres.

Figure 2. Conceptual framework of the fifth edition of the SIGI



Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 2). This section features the results by dimension, examining the pertinent social norms, practices and legal frameworks for each indicator.

The legal information collected through the *SIGI 2023 Legal Survey* covers both formal and codified laws, as well as informal laws. The information is assessed based on whether the law protects women’s rights or not, and is icon-coded as follows:

-  : The legal framework protects women’s rights.
-  : The legal framework does not fully protect women’s rights.

There is no universal agreement on what informal laws refer to, given contextual differences across time and place, as well as distinct disciplinary or theoretical approaches. In the context of the SIGI, informal laws (customary, traditional or religious laws/rules) describe mechanisms that operate outside the formal legal system of state-based laws. Informal laws vary from one community to another and are generally uncodified and unwritten. In some cases, informal laws may reflect unequal power dynamics within a given community and discriminatory social norms, with adverse consequences on women and girls and other vulnerable groups. Informal laws are unsteady and have been adapted over time in response to external factors.

For example, customary laws are laws that are embodied in customs, rules or traditions and accepted by members of the community as binding but remain adaptable, dynamic and flexible.⁴ The CEDAW General Recommendation No. 33 also recognises indigenous laws.⁵ These are similar to customary laws but are often given a distinct identity in recognition of the specific international standards related to the rights and protections of indigenous peoples and their justice systems. Informal religious laws may refer to norms that are derived from interpretations of codified religious texts and/or longstanding traditions.

⁴ United Nations (2018), "Module 1: The Theory and Practice of Women's Access to Justice Programming", *A Practitioner's Toolkit on Women's Access to Justice Programming*, UN Women, UNDP, UNDOC and OHCHR, New York, Vienna and Geneva, https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J_Module1.pdf.

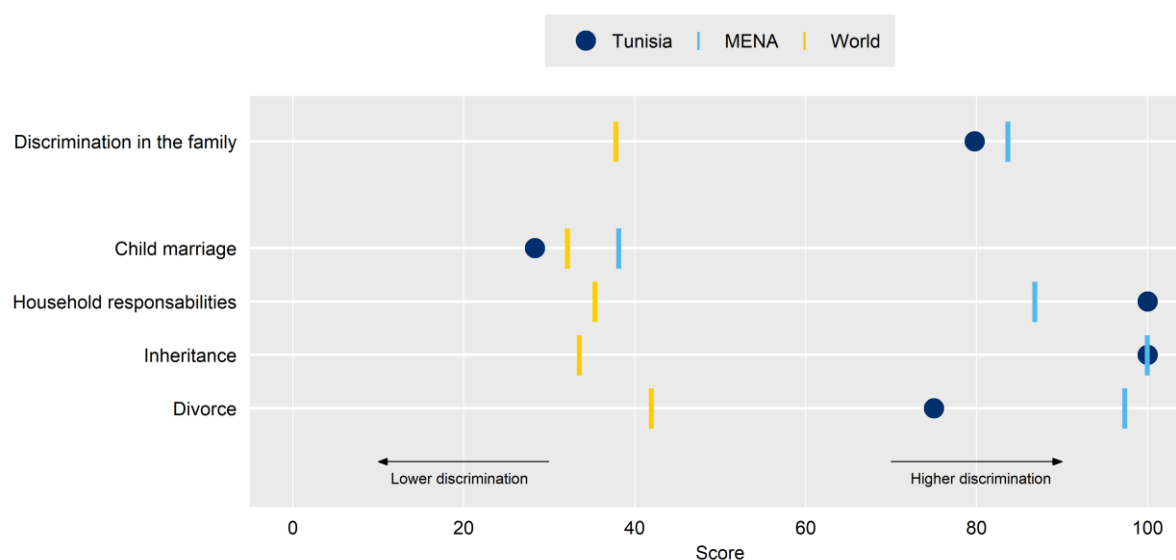
⁵ UN Committee on the Elimination of Discrimination against Women (2015), "General recommendation No. 33 on women's access to justice", *CEDAW/C/GC/33*, United Nations, New York, <https://digitallibrary.un.org/record/807253>.

Discrimination in the family

Tunisia exhibits very high levels of discrimination within the family with a score of 80, compared to a world average of 38 and an average score of 84 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Tunisia experience the highest levels of discrimination in the “Household responsibilities” and “Inheritance” indicators with scores of 100, followed by the “Divorce” indicator with a score of 75. The lowest levels of discrimination are found in the “Child marriage” indicator with a score of 28.

Figure 3. Discrimination in the family scores for Tunisia, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Child marriage

Practices related to child marriage

Child marriage remains limited in Tunisia. In 2023, 0.6% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 0% of boys. In addition, 1.5% of women aged 20-24 were married or in a union before the age of 18,⁶ compared to a world average of 26% and an average of 17% in the MENA region – based on countries for which data are available.

Legal frameworks concerning child marriage

⁶ This indicator corresponds to SDG indicator 5.3.1

Tunisia's Personal Status Code,⁷ as amended in 2007, establishes the minimum legal age of marriage for women and men at 18 years. However, Articles 5 and 6 of the Personal Status Code introduce legal exceptions to this minimum legal age of marriage and authorise minors to get married before the age of 18 years with the authorisation of their guardian and their mother. If the guardian and the mother refuse to consent to the marriage, a judge can authorise it.

Question	Answer	Assessment
What is the legal age of marriage for men?	18	✓
What is the legal age of marriage for women?	18	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian?	Yes	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court?	Yes	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution?	No	✓
Does the legal age of marriage apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Household responsibilities

Practices and social norms related to household responsibilities

In Tunisia, domestic responsibilities disproportionately fall on women's shoulders. On average, women dedicate 5.3 hours per day to unpaid care and domestic tasks – such as caring for household members, preparing food and cleaning – compared to 0.6 hours for men. This translates into women dedicating 8.1 times more time on unpaid care and domestic work than men.⁸ In comparison, the world average ratio is 2.6 and the average ratio for the MENA region is 5.9 – based on countries for which data are available.

These differences are rooted in discriminatory social norms that confine women to the household. In Tunisia, 44% of the population thinks that if a woman earns more than her husband, it is almost certain to cause problems. Moreover, 72% of the population agrees that children will suffer if the mother has a paid job outside the home, compared to a world average of 56% and an average of 70% in the MENA region. Likewise, 73% of the population thinks that being a housewife is just as fulfilling as working for pay.

Legal frameworks concerning household responsibilities

Article 23 of the Personal Status Code,⁹ as amended, establishes that a married man is the head of the family. Article 154 of the Personal Status Code stipulates that the father is the legal guardian of a minor child, regardless of whether the parents are married or not. Legal guardianship is passed onto the mother in case of the death of the father or if he loses his legal capacity.

Question	Answer	Assessment
Does the law provide women with the same rights as men to be "head of household" or "head of family"?	No	!
Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?	No	!
Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?	No	!
Regarding women's legal rights to be recognised as head of household or head of family, does the law apply to all groups of women?	Yes	✓

⁷ Republic of Tunisia (1956), "Personal Status Code", *Official Gazette No. 66 of 1956*.

⁸ This indicator corresponds to SDG indicator 5.4.1

⁹ Republic of Tunisia (1956), "Personal Status Code", *Official Gazette No. 66 of 1956*.

Question	Answer	Assessment
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Divorce

Legal frameworks concerning divorce

Articles 34 and 35 of the Personal Status Code¹⁰ establish a waiting period for the divorced woman until she can remarry and whose length depends on whether she is pregnant or not. Articles 57 and 67 of the Personal Status Code, as amended in 1966 and 1981, stipulate that child custody belongs to either one of the parents and that, if the marriage is dissolved other than by the death of one of the spouses, custody belongs to one of the two parents as decided by the judge.

Question	Answer	Assessment
Do women and men have the same rights to initiate/file for a divorce?	Yes	✓
Can women and men finalise a divorce or annulment with the same requirements?	No	!
Do women and men have the same rights to child custody following a divorce?	Yes	✓
Regarding divorce, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Inheritance

Legal frameworks concerning inheritance rights

Legal provisions from the Personal Status Code governing inheritance matters follow the principles of Islamic Sharia, whereby female heirs are entitled to half of the inheritance share of male heirs. In line with these principles, Articles 101 and 102 of the Personal Status Code¹¹ establish that a surviving widower receives one half of the estate (or one quarter if there are surviving children), whereas a surviving widow receives one quarter of the estate (or one eighth if there are surviving children). Likewise, Articles 103 and 119 provide for a reserved share of inheritance for daughters but stipulate that if there are sons, they cannot inherit more than half of what their brother(s) inherit.

Question	Answer	Assessment
Do daughters and sons have the same rights to inherit?	No	!
Do female and male surviving spouses have the same rights to inherit?	No	!
Regarding inheritance rights of daughters, does the law apply to all groups of women?	Yes	✓
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?	Yes	✓

¹⁰ Republic of Tunisia (1956), "Personal Status Code", *Official Gazette No. 66 of 1956*.

¹¹ Republic of Tunisia (1956), "Personal Status Code", *Official Gazette No. 66 of 1956*.

Question	Answer	Assessment
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

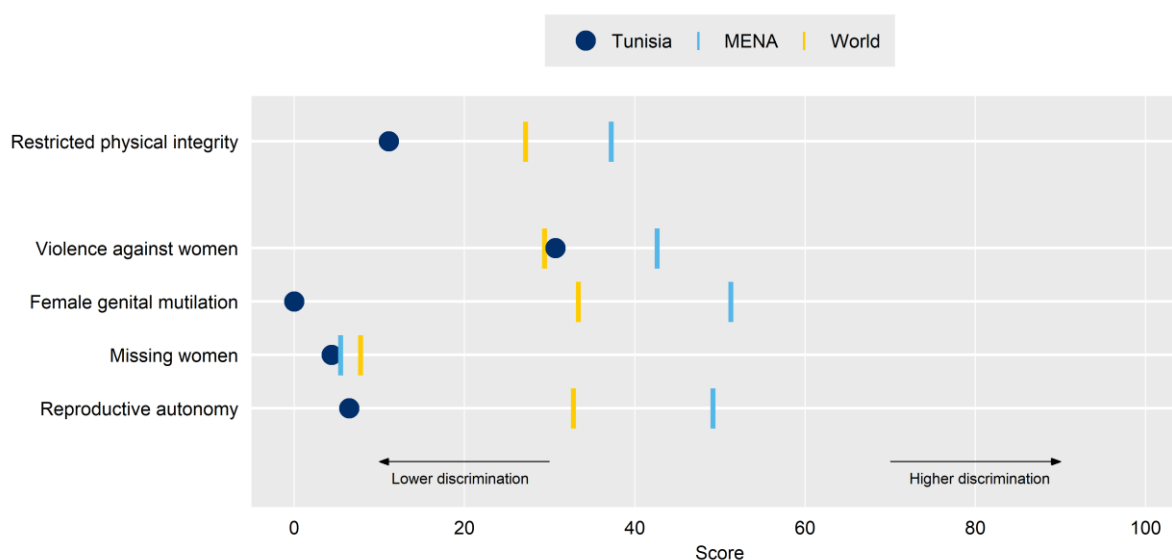
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Restricted physical integrity

Tunisia exhibits very low levels of discrimination within the family with a score of 11, compared to a world average of 27 and an average score of 37 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Tunisia experience the highest levels of discrimination in the “Violence against women” indicator with a score of 31, followed by “Reproductive autonomy” and “Missing women” with scores of 6 and 4, respectively. No discrimination is found in the “Female genital mutilation” indicator with a score of 0.

Figure 4. Restricted physical integrity scores for Tunisia, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Violence against women

Practices and social norms related to violence against women

Violence against women remains a major concern in Tunisia. In 2023, 25% of women aged 15-49 have experienced physical and/or sexual violence by a current or former partner at least once during their lifetime, and 8% of women aged more than 15 have experienced such violence at least once over the last 12 months.¹²

These levels of intimate-partner violence are rooted in its widespread social acceptance. In 2023, 29% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children,

¹² This indicator corresponds to SDG indicator 5.2.1

or refusing to have sex. In comparison, 30% of women holds these discriminatory attitudes worldwide, as well as across the MENA region – based on countries for which data are available.

Legal frameworks concerning violence against women

Although Article 227 of the Penal Code,¹³ as amended in 2017 by the Law on the elimination of violence against women,¹⁴ criminalises rape and grounds its definition on the notion of consent, it does not specifically cover marital rape.

Question	Answer	Assessment
Is there a law specifically addressing violence against women?	Yes	✓
If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator?	Yes	✓
If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors?	Yes	✓
Does the law include reduced penalties in case of so-called "honour crimes"?	No	✓
Domestic violence		
Is domestic violence a criminal offence?	Yes	✓
Does domestic violence legislation cover physical abuse?	Yes	✓
Does domestic violence legislation cover sexual abuse?	Yes	✓
Does domestic violence legislation cover psychological abuse?	Yes	✓
Does domestic violence legislation cover economic abuse?	Yes	✓
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?	No	✓
Rape		
Is rape a criminal offence?	Yes	✓
Is the legal definition of rape based on lack of consent?	Yes	✓
If the legal definition of rape is based on lack of consent, does this require proof of physical force?	No	✓
If the legal definition of rape is based on lack of consent, does this require proof of penetration?	Yes	!
Does the legal definition of rape include marital rape?	No	!
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?	No	✓
Sexual harassment		
Does the law prohibit sexual harassment?	Yes	✓
Does the law on sexual harassment include criminal penalties?	Yes	✓
Do legal protections from sexual harassment apply in the workplace?	Yes	✓
Do legal protections from sexual harassment apply in educational establishments?	Yes	✓
Do legal protections from sexual harassment apply in public spaces?	Yes	✓
Do legal protections from sexual harassment apply online / on the internet?	Yes	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Female genital mutilation

Practices and social norms related to female genital mutilation and cutting (FGM/C)

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common.

¹³ Republic of Tunisia (1913), "Penal Code of Tunisia", *Official Gazette No. 79 of 1913*.

¹⁴ Republic of Tunisia (2017), "Law No. 2017-58 of 11 August 2017 on the elimination of violence against women", *Official Gazette No. 65 of 2017*.

In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.¹⁵

There are no available data in Tunisia that are comparable to other countries on practices and social norms related to female genital mutilation and cutting.

Legal frameworks concerning female genital mutilation and cutting (FGM/C)

Article 221 of the Penal Code,¹⁶ as amended in 2017 by the Law on the elimination of violence against women,¹⁷ criminalises FGM/C, namely as acts of mutilation or deformation of the female genitals.

Question	Answer	Assessment
Does the law criminalise FGM/C on broad or narrow grounds?	Yes	✓
Does the law criminalise FGM/C on narrow grounds only?	Yes	✓
Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C?	No	✓
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?	n.a.	n.a.

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of “female genital mutilation”, “permanent altering/removal of external genitalia”, “female circumcision”, “excision”, “infibulation” and “genital mutilation”; (2) criminalisation on broad grounds includes “mutilation”, “harming of a person’s organs”, “serious bodily injury” and “bodily injury/hurt/assault.” The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

Missing women

Practices related to missing women

The “Missing women” indicator captures whether there are any existing imbalances in the natural sex ratio between girls and boys aged 0-4 due to pre- and postnatal gender-biased sex selection. These imbalances can result from sex-selective abortions, female infanticide, and/or inadequate healthcare and nutrition for girls. A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

In Tunisia, the “missing women” phenomenon is present. The boy-to-girl sex ratio for children aged 0-4 is estimated at 105.4, which means that there are approximately 105.4 boys aged 0-4 for 100 girls of the same age. This ratio is slightly higher than the natural sex ratio at birth.

Reproductive autonomy

Practices related to women’s reproductive autonomy

¹⁵ Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

¹⁶ Republic of Tunisia (1913), “Penal Code of Tunisia”, *Official Gazette No. 79 of 1913*.

¹⁷ Republic of Tunisia (2017), “Law No. 2017-58 of 11 August 2017 on the elimination of violence against women”, *Official Gazette No. 65 of 2017*.

Unmet needs for family planning are calculated as the proportion of women of reproductive age (15-49 years), married or in union, who wish to interrupt or delay childbearing but do not use any method of contraception.

In Tunisia, the gap between women's reproductive intentions and their contraceptive behaviour exists, with 13% of women aged 15-49 who declare having an unmet need for family planning, compared to a world average of 12% and an average of 13% in the MENA region – based on countries for which data are available.

Legal frameworks concerning women's reproductive autonomy

Women's reproductive autonomy can be restricted by laws that prohibit the access to safe and legal abortion under essential circumstances (in cases of rape, incest, threats to the life or health of the pregnant woman and severe foetal impairment).¹⁸ Evidence shows that the share of unsafe abortions is higher in countries with restrictive abortion laws. Unsafe abortions are a leading but preventable cause of maternal mortality and millions of girls and women are hospitalised every year following complications of unsafe abortion procedures.¹⁹

Question	Answer	Assessment
Is abortion illegal under any circumstances?	No	✓
Is abortion legally permitted in cases where: it is essential to save the woman's life?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the physical health of the woman?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the mental health of the woman?	Yes	✓
Is abortion legally permitted in cases where: pregnancy is the result of rape or statutory rape?	Yes	✓
Is abortion legally permitted in cases where: pregnancy is the result of incest?	Yes	✓
Is abortion legally permitted in cases where: social and economic reasons do not allow the mother to sustain a pregnancy?	Yes	✓
Is abortion legally permitted in cases where: foetal impairment?	Yes	✓
Does a woman require the approval of a medical practitioner to seek a legal abortion?	No	✓
Does the law require the approval of the father of the foetus to seek a legal abortion?	No	✓
Is there any national plan or policy that provide universal access to family planning services?	Yes	✓
Is there any law or national policy that provide free or subsidised access to contraception?	No	!
Does the national school curricula include mandatory and comprehensive sexuality education?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

¹⁸ CEDAW (2022), *Access to safe and legal abortion: Urgent call for United States to adhere to women's rights convention*, <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>.

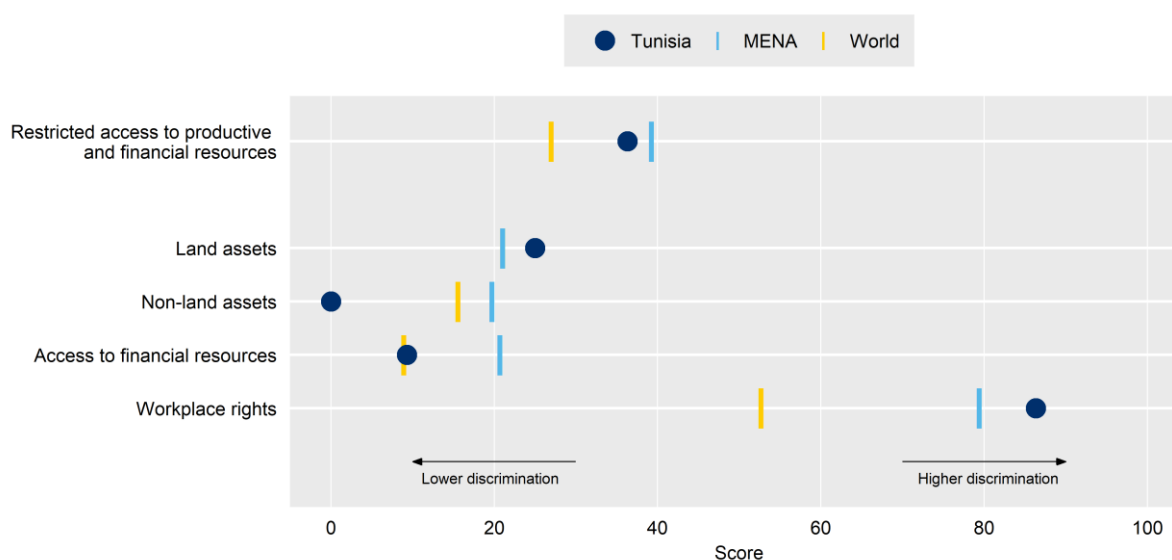
¹⁹ UNFPA (2022), *State of World Population 2022: Seeing the Unseen - The Case for Action in the Neglected Crisis of Unintended Pregnancy*, UNFPA, Geneva, <https://doi.org/10.18356/9789210015004>.

Restricted access to productive and financial resources

Tunisia exhibits medium levels of discrimination within the family with a score of 36, compared to a world average of 27 and an average score of 39 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Tunisia experience the highest levels of discrimination in the “Workplace rights” indicator with a score of 86, followed by “Access to land assets” with a score of 25 and “Access to financial services” with a score of 9. No discrimination is found in the “Access to non-land assets” indicator, with a score of 0.

Figure 5. Restricted access to productive and financial resources scores for Tunisia, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Access to land assets

Practices related to women’s access to secure land assets

In Tunisia, there are no available data that are comparable to other countries on practices related to access to land assets.

Legal frameworks concerning women’s access to land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own land?	Yes	✓
Does the law provide married women with the same rights as married men to use land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use land?	Yes	✓
Regarding land, does the law apply to all groups of women?	Yes	✓

Question	Answer	Assessment
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to non-land assets

Practices related to women's secure access to non-land assets

In Tunisia, there are no available data that are comparable to other countries on practices related to access to non-land assets.

Legal frameworks concerning women's access to non-land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own property and other non-land assets?	Yes	✓
Does the law provide married women with the same rights as married men to use property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets?	Yes	✓
Regarding property and other non-land assets, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to financial services

Practices related to women's access to formal financial services

Gender imbalances in terms of access to financial services are limited in Tunisia, but the overall access of the population is low. In 2023, 29% of women have a bank account at a financial institution, compared to 43% of men. This translates into women accounting for 41% of bank account holders. In comparison, at the global level, 67% of women have a bank account, compared to 72% of men. Across the MENA region, on average, 40% of women have a bank account, compared to 54% of men, translating into women accounting for only 39% of bank account holders.

Legal frameworks concerning women's access to financial services

Question	Answer	Assessment
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?	Yes	✓
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?	No	✓
Does the law provide women with the same rights as men to obtain credit?	Yes	✓
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Workplace rights

Practices and social norms related to women's workplace rights

Women remain largely excluded from positions with decision-making power in the economic sphere. Women only account for 15% of employees in a managerial position,²⁰ compared to a world average of 25% and an average of 14% in the MENA region – based on countries for which data are available. Only 10% of companies in the country are headed by women.

These gender gaps are upheld by discriminatory social norms that establish men as the main breadwinners and more fit to hold leadership positions. In Tunisia, 44% of the population believes that men make better business executives than women, compared to a world average of 42% and an average of 60% in the MENA region. Likewise, 65% of the population agrees that when jobs are scarce, men should have more right to a job than women. In comparison, 45% of the population holds these discriminatory attitudes worldwide, and 73% of the people across the MENA region – based on countries for which data are available.

Legal frameworks concerning women's workplace rights

The law does not mandate equal pay for equal work nor equal pay for work of equal value. Article 5 bis of the Labour Code²¹ only prohibits gender-based discrimination in applying the provisions of the Labour Code, whereas Article 46 of the Constitution²² stipulates that every man and woman has the right to work in decent conditions with a fair wage. Moreover, Articles 77 and 78 of the Labour Code prohibits the employment of women in underground work as well as in operations involving the manipulation of old minerals. Article 109 stipulate that certain activities or branches may be authorised to continue operating during holiday, but Article 111 excludes women from this authorisation and prohibits their employment during holidays in these activities. Likewise, Article 375 grants the relevant ministry the power to prohibit the employment of women in agricultural works that may entail special risks. Finally, Articles 66, 68 and 68-2 prohibit the employment of women at night, except in certain cases, occupations or activities as stipulated by the law.

Question	Answer	Assessment
Does the law prohibit discrimination in employment on the basis of sex?	Yes	✓
Does the law mandate equal remuneration for work of equal value?	No	!
Does the law prohibit women from entering certain professions?	Yes	!
Does the law allow women to work the same night hours as men?	No	!
Does the law mandate paid maternity leave?	Yes	✓
Does the law mandate paid paternity leave?	Yes	✓
Does the law mandate paid parental leave?	No	!
Does the law require women to have permission from their husband or legal guardian to take a paid job?	No	✓
Does the law require women to have permission from their husband or legal guardian to register a business?	No	✓
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?	Yes	!

²⁰ This indicator corresponds to SDG indicator 5.2.2

²¹ Republic of Tunisia (1966), "Law No. 27 of 1966 issuing the Labour Code".

²² Republic of Tunisia (2022), "Presidential Decree No. 2022-691 of 2022 promulgating the new Constitution of Tunisia", *Official Gazette No. 91 and 92 of 2022*.

Question	Answer	Assessment
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?	Yes	!
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

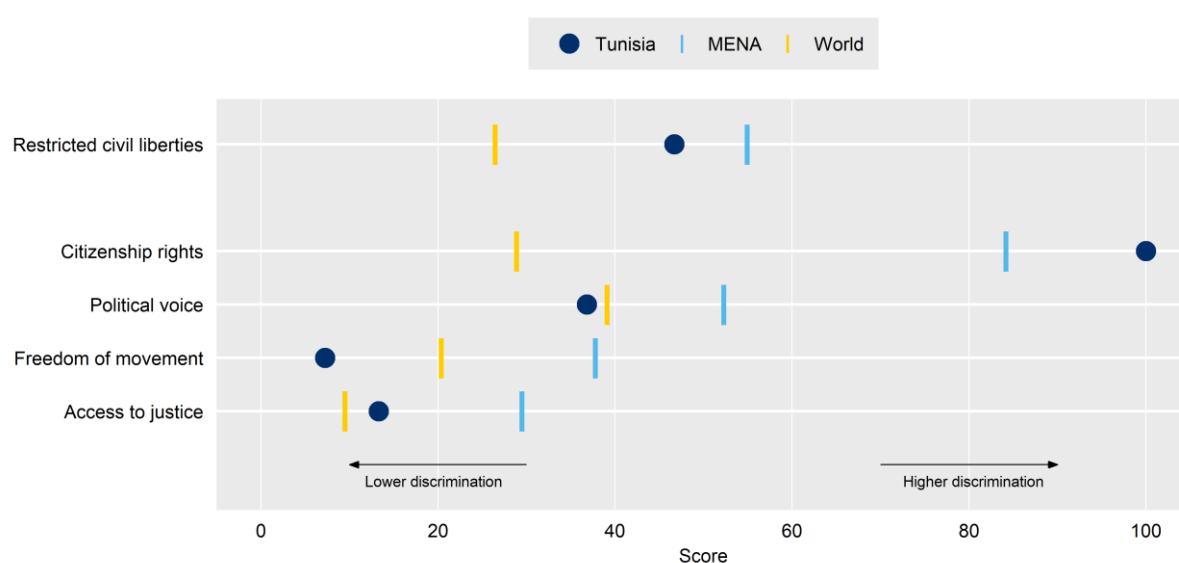
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Restricted civil liberties

Tunisia exhibits high levels of discrimination within the family with a score of 47, compared to a world average of 26 and an average score of 55 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Tunisia experience the highest levels of discrimination in the “Citizenship rights” indicator with a score of 100, followed by the “Political voice” indicator with a score of 37. The lowest levels of discrimination are found in the “Access to justice” and “Freedom of movement” indicators with scores of 13 and 7, respectively.

Figure 6. Restricted civil liberties scores for Tunisia, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Citizenship rights

Legal frameworks concerning women’s citizenship rights

Article 6 of the Nationality Code²³ establishes that all Tunisian men and women can confer their Tunisian nationality to their children. However, Article 7 stipulates that a foreign child born in Tunisia can only be Tunisian if his/her father and grandfather are themselves born in Tunisia. Article 12 further establishes that children born outside of Tunisia from a Tunisian mother and a foreign father must demand the citizenship to obtain it, whereas a child born to a Tunisian father and a foreign mother automatically obtains it. Article 13 provides that a foreign woman married to a Tunisian national can immediately acquire the Tunisian nationality by virtue of marriage if she is at risk of otherwise losing her original citizenship. If not, Article 14 stipulates that a foreign woman married to a Tunisian national can only acquire the Tunisian nationality if she has resided for at least two years in Tunisia. In contrast, Article 21 of the Nationality Code stipulates

²³ Republic of Tunisia (1963), “Tunisian Nationality Code”, *Official Gazette No. 11 of 1963*.

that a foreign man married to a Tunisian woman can request the Tunisian nationality if he currently resides in Tunisia, without any requirements on the duration of that residency. Finally, Articles 31 and 35 of the Nationality Code establish that when a married man is deprived of his Tunisian citizenship, the deprivation can extend to his spouse and children. The law does not establish the same provisions for the spouse and children of a married woman who is deprived of her Tunisian citizenship.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to acquire nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?	Yes	✓
Does the law provide married women with the same rights as married men to change their nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to change their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to retain their nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to confer nationality to their spouse?	No	!
Does the law provide married women with the same rights as married men to confer nationality to their children?	No	!
Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children?	No	!
Regarding women's nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality?	No	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Freedom of movement

Practices related to women's freedom of movement

Freedom of movement is recognised as a human right and mobility is essential in everyday life, for instance to reach the workplace or healthcare facilities. In Tunisia, women feel more unsafe than men, and a large part of the overall population feels that way. Across the country, 40% of women declare not feeling safe walking alone at night in the city or in the area where they live, compared to 31% of men. This translates into women accounting for 57% of those who do not feel safe walking alone at night.

Legal frameworks concerning women's freedom of movement

Beyond the challenge of ensuring that everyone feels safe enough to move around in public spaces, laws must guarantee women and men the same rights to obtain identification documents and to travel by themselves within and outside of their country.

Question	Answer	Assessment
Does the government provide national identity cards?	Yes	✓
Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures)	Yes	✓
Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures)	Yes	✓
Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)?	Yes	✓
Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)?	Yes	✓
Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside the country?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside their homes?	Yes	✓

Question	Answer	Assessment
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Political voice

Practices and social norms related to women's political voice

Women's political representation in the country is low, with women accounting for 26% of the members of parliament in 2023, compared to a world average of 27% and an average of 17% in the MENA region.

Discriminatory attitudes that exclude women from positions of power in the political sphere are widespread, with 59% of the country's population declaring that men make better political leaders than women.

Legal frameworks concerning women's political voice

Question	Answer	Assessment
Does the law provide women with the same rights as men to vote?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the legislative branch?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the executive branch?	Yes	✓
Does the law provide women with the same rights as men to hold public office in the judiciary branch?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the national level?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the local level?	Yes	✓
Does the law provide for special measures other than quotas to promote women's political representation at the national level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the local level?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to justice

Practices related to women's access to justice

In Tunisia, 50% of women do not trust the judicial system and courts, compared to 58% of men. This translates into women accounting for 43% of those who do not trust the country's judicial system.

Legal frameworks concerning women's access to justice

Question	Answer	Assessment
Does the law provide women with the same rights as men to sue?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the civil courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the criminal courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the family courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the tribunals?	Yes	✓

Question	Answer	Assessment
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone?	Yes	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.