

# Tunisia uncovered a history of state sexual violence. Can it do anything?

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By **Hind Ahmed Zaki** April 11

For decades, thousands of Tunisian women suffered from systematic sexual violence at the hands of state agents. The establishment of the Truth and Dignity Commission less than two years ago has empowered many of these women to seek legal remedies and public recognition of those crimes. Redress for gender-based violations at the hands of state agents in Tunisia represents an important, albeit until recently ignored, dimension of Tunisia's post-revolutionary democratic transition.

The extent of the use of rape as a weapon of political intimidation and the number of women who had suffered from sexual abuse at the hands of state agents was surprising, even to those following Tunisian affairs closely. Since the commission began to hear testimonies from more than 20,000 victims, an ugly picture of the state's systematic use of sexual violence against female members of the opposition and female relatives of opposition members began to emerge. According to the commissioners, between June 2014 and December 2015, thousands of women came forward, recounting stories of being raped and tortured while held in detention, some suffering serious physical and psychological injuries that would last for decades.

Tunisia's nascent transitional justice process initially focused on government corruption and human rights violations in general without a special focus on gender-based violence. The true extent of the systematic use of rape and sexual assault against women by the Tunisian state became clear only after the commission started hearing testimonies from hundreds of female survivors of sexual violence. While women were victims of imprisonment, travel bans and constant government harassment like their male counterparts, they also faced another threat — that of rape and sexual assault.

For a state often hailed as an outlier in the Arab world for its record of women-friendly laws, the extent of the Tunisian

state's abuse of its female citizens marks a paradoxical feature of state feminism in Tunisia and the region. Although a number of recent developments, including a constitutional guarantee of electoral parity between men and women, suggest substantive gains for women's rights in the arena of formal politics, those rights did not often extend to the subject of gender-based violence, whether in the public or the private spheres. A culture of shame still surrounds these crimes, effectively resulting in impunity for perpetrators, whether state agents in prison cells or domestic partners.

As part of my ongoing doctoral dissertation research, from 2014 to 2015 I interviewed members of the Truth and Dignity Commission, political activists and women who filed their cases before the commission and have consulted available government archives. I analyze the contradictory results of the workings of the Truth and Dignity Commission in Tunisia. While the commission's work is far from complete, it could represent a rare opportunity to push forward new rights claims for Tunisian women that move beyond the secular/Islamic division and provide symbolic justice for Tunisian women.

### **Procedural and political challenges of transitional justice**

The commission was established June 9, 2014, and tasked with addressing the gross human rights violations committed by the state or those acting in its name since 1955. Initially backed by Tunisia's two main political parties, the Islamist Ennahda and the more secular Nidaa Tounes, the commission enjoyed a wide range of powers, including investigation, arbitration and reparation.

However, from the very start, the process of establishing the commission was deeply polarizing among different political factions. On one hand, Ennahda was often accused by political opponents of selecting civil society activists that were more sympathetic to the Islamist bloc and did not adequately represent the diverse voices of Tunisian civil society. The appointment of Sihem Bensedrine, a former journalist and human rights activist, to head the TDC was seen by many of Ennahda's more secular opponents as a guarantee that the commission would serve the Islamist agenda. The TDC also lacked a coherent road map for its work. Though the commission has successfully gathered testimonies from more than 16,000 survivors of torture since its establishment, commission members themselves disagree about what should be done with this material. Some favor a model of reconciliation via telling the truth while granting some form of legal amnesty for perpetrators. Others argue for providing former victims with legal means of justice, including court hearings and retributions.

The commission's lack of real power to carry out its mandate was recently evidenced when its members tried to access state security files in the Interior Ministry and secure the archives of the presidential palace only to be blocked by the presidential guards.

Such inefficiency is a symptom of Tunisia's wider political polarization. While the commission was the product of Tunisia's fragile democratic settlement, the TDC also seemed to inherit many of its unresolved issues. The historic

2013 settlement saved the fragile democratic transition and rested on three fundamental principals: electoral legitimacy, equality of party representation regardless of votes received and increased security by Ennahda against the growing threat of Islamist terrorism. Each of those principles uniquely affected transitional justice in general and gender justice in particular.

### **Gender justice in the context of democratic transition**

The terms of Tunisia's fragile political settlement influenced both the form and the content of the commission's work. The delicate balance of the electoral and political settlement in Tunisia has made both Ennahda and Nidaa Tounes reluctant to pursue a real process of transitional justice. Ennahda's reluctance seem curious, given that the majority of female survivors of state-sanctioned gender-based violence are members, or related to members, of the Islamist opposition. The reluctance of the leadership of Ennahda to confront the history of violence against its female members, despite the enthusiasm of their wider constituency for the commission, was criticized by a number of young members. One such member told me in early 2015 that such reluctance stems from the political leadership's need to make peace with Tunisia's "deep state" — the still-functioning state security apparatus. Many young cadres of Ennahda expressed frustration about how the 2012 Ennahda-controlled parliament constantly delayed issuing the law for transitional justice and the establishment of the commission, paying lip service to transitional justice.

This continued to be the case even after Nidaa Tounes's sweeping victory in both the parliamentary and the presidential elections of 2015. Earlier this year, Ennahda did nothing to oppose Tunisia's president, Beji Caïd Essebsi's move to propose an "economic reconciliation" law, meant to provide impunity for financial corruption to many members of the old regime. Although the proposed law failed to pass in parliament late last year, Ennahda's lack of action speaks volumes of its reluctance to deal seriously with the legacy of state-sanctioned human rights abuses, fearing that doing so will disrupt an already frail political settlement and confirm accusations directed against Ennahda and its allies of secretly supporting radical Islamist groups.

In addition to the broader political context, the lack of clear procedures and goals has created an environment in which many female survivors of sexual violence feel that their testimonies are pointless. As one member of Ennahda who is also a survivor told me, "Why would I go and give my testimony? I am not seeking any financial reparations. I am seeking justice. I want to see those who assaulted me admit their crimes and apologize. I will only go if that is possible." Others who have given their testimonies are similarly skeptical that the process will lead to any real justice. Allegations about Tunisia's deep security state and its efforts to silence victims were commonly cited as a reason for the lack of progress.

In addition to these structural factors, a culture of shame surrounding sexual crimes colored both the intentions and actual procedures of the commission. Many survivors come from more religious backgrounds and are generally unwilling to discuss sexual violence in public. However, many of them, both men and women, were willing to come

forward and give their testimonies to the commission. For some, this was not just a personal act but also a political one. Dealing with past abuses at the hand of the state was their only way to move forward and an important tool through which institutions of the deep state could be reformed. In the words of one survivor who was sexually assaulted while in detention for distributing political leaflets on campus as a student, “I am not sure what will happen to my testament now. I know the names of the policemen who assaulted me, but I am not sure where they are now or even if they are still alive. What matters is that my statement will let the Tunisian people know that these practices could no longer occur with total impunity.”

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### **Looking forward**

The current gender-related struggles in Tunisia and their mixed outcomes merit a closer look at the relationship between gender justice and democratization. The details of the Tunisian case challenge the assumption that both are necessarily compatible. The rise and electoral victories of Nidaa Tounes have helped members of the old regime’s political and business elite regain influence in the new democratic system. The country’s two main political parties seem to be seeking reconciliation in the interest of national stability but seem less interested in justice.

Ultimately, the process of transitional justice in Tunisia had yet to take into account the gendered nature of these violations. Though the democratic transition exposed the extent of the state’s past use of gender-based violence for political motives, its failure to clearly address the issue risks the reproduction of these same traditional and hegemonic gendered categories.

Tunisia’s process of transitional justice has created an opportunity to construct new narratives of women’s rights in the country, through a painful reexamination of the nation’s history. While this process has had mixed results on women’s

daily realities, some results could be surprisingly empowering, especially if this process were to become a vehicle for further legal and political mobilization for gender justice. For that to happen, however, the Truth and Dignity Commission will have to establish strong popular support to counter the diminished political will to address past grievances and open new venues for gender justice.

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