



Oral Statement to the CEDAW Committee: Tunisia
84th CEDAW Session
6th February 2023

1. Thank you, Madam Chair.
2. I read this statement on behalf of Musawah, a global movement working towards equality and justice in the Muslim family.
3. The promulgation of the Tunisian Personal Status Code in 1956, along with all its amendments, has been a breakthrough for the rights of women in family law, with positive repercussions in the social, economic, political and cultural domains for women.
4. *However*, we find that a number of discriminatory provisions continue to remain in force, and the full implementation of the Code remains a challenge.
5. Women continue to suffer discrimination in their personal relations with their husband, who, according to Article 23 of the Code, remain the heads of the household, giving them legal advantages in disputes over household management. Discriminatory provisions still exist in relation to child custody and guardianship. Marital rape has also not been specifically criminalized.
6. In particular, we would like to highlight two critical thematic issues.
7. **FIRST, DIVISION OF PROPERTY IN A MARRIAGE**
 - a. Under Tunisian law, spouses may choose an optional matrimonial property regime that ensures joint ownership of property acquired during a marriage.
 - b. *However*, we find that this regime is not well-known, and seldom applied, leading to economic vulnerability of the wife.

Musawah recommends the CEDAW Committee to urge the State Party to:

- Establish joint ownership of property within marriages as the default legal regime, as also recommended to Tunisia by the CEDAW Committee in its previous Concluding Observations in 2010.

8. SECOND, INHERITANCE

- a. The inheritance law in Tunisia defined in the Personal Status Code follows patriarchal interpretations of Shari'ah, resulting in unequal rights of inheritance between men and women, with very few exceptions.
- b. In 2018, Tunisia's Council of Ministers approved a draft law to amend the Code and grant equal inheritance rights to men and women. *However*, this bill has not been adopted by the Parliament till date.

Musawah recommends the CEDAW Committee to urge the State Party to:

- Adopt the draft law granting equal inheritance rights to men and women, in accordance with CEDAW obligations as well as those of the Maputo Protocol, which was ratified by Tunisia in 2018.
9. We urge Tunisia to continue its efforts in eliminating the discrimination of women by amending without delay all remaining discriminatory provisions and administrative regulations relating to marriage, divorce, inheritance, child custody and guardianship, while ensuring the full implementation of the law.
 10. We thank you for the opportunity, Madam Chair.