

“Who Hears My Voice Today?”:

Indirect Women Victims in Tunisia

Dr. Doris H. Gray

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December 2018

This publication was made possible thanks to funding from the Government of Canada.



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Acknowledgments

This report is the result of a collaborative effort. Salwa El Gantri, Head of ICTJ’s Office in Tunisia, provided logistical support, was in charge of organization, and generously shared her profound background knowledge. Staff at ICTJ headquarters, in particular Kelli Muddell, Director of the Gender Justice Program, and Sibley Hawkins, Program Officer, offered substantive feedback. I want to thank Dr. Jayme Harpring for her editorial assistance and AUI Presidential Intern Erin Worden for her help in locating sources.

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About ICTJ

The International Center for Transitional Justice works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims’ dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit www.ictj.org

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Executive Summary

This report focuses on “indirect victims” of human rights violations in Tunisia, namely, the wives, sisters, and children of political prisoners in Tunisia, who suffered discrimination, social exclusion, police violence, and harassment as a result of their relatives’ incarceration during the dictatorship, as well as mothers of the martyrs.¹ Though they may not have suffered incarceration, physical torture, or even death like their relatives, these victims were persecuted and discriminated against and experienced severe economic hardship and isolation after a family member was detained for political and/or religious activities. They were dismissed from work, expelled from school, and/or subjected to random police searches and harassment. Some women fled the country to escape a painful life of isolation and harassment, in many cases with their children, carrying nothing but the clothes on their back.

Until now, there has been no substantive, systematic study of these victims, who suffered economic blacklisting, denial of due process, as well as other social and economic rights violations. The aim of this report is to shed light on this population of victims that is often overlooked or silenced in the process of transitional justice and post-uprising nation building.

Accurate data on the number of people who were detained for political reasons during Tunisia’s dictatorship period (1955–2011), including women activists,² has been nearly impossible to collect.³ What is known is that the immediate and extended family members of these prisoners, who also suffered human rights abuses, continue to live with the consequences of those violations today. Their fate raises important questions in the human rights discourse because the violations they suffered do not neatly fit within typical human rights narratives, which tend to prioritize civil and political violations and violations of physical integrity. The findings in this report are based on extensive interviews conducted with more than 250 women family members of detainees and mothers of martyrs from nine regions and Tunis in July, August, and December 2017.⁴

For many victims, the most pervasive and sustained consequences of the human rights violations they suffered have been the break-down of the family and lost confidence in the judicial and political system, coupled with the sowing of mistrust among family members and communities who feel betrayed.⁵ According to the Universal Declaration of Human Rights, families are the building blocks of a society; thus, the destruction of the family unit has serious consequences for individuals and society. In most cases, the forced separation of family members—wives from husbands, mothers and fathers from sons and daughters—has led to permanent estrangement or domestic strife. For example, when husbands were incarcerated, the pressure on their wives was sometimes so great that they were compelled to give their children away to be raised by members

1 The term “indirect victim” has been used in human rights and transitional justice discourse to refer to the families of those who suffered human rights violations during the dictatorship period; however, many of these Tunisians and civil society actors insist they are “victims” in their own right and do not preface their status as “indirect.” According to the Tunisian Transitional Justice Law, which is the basis for the mandate of the country’s Truth and Dignity Commission, “A victim shall mean any individual, group or legal entity having suffered harm as a result of a violation.” See also Richie, *Social Impact*. In Chesney-Lind and Mauer, *Invisible Punishment*; and Spiga, “Lubgana Trial.”

2 In Tunisia, the term “activist” is typically used to refer to leftist or more secular proponents of women’s rights. However, this report employs the term more broadly, recognizing that Islamists, a term in Tunisia which has come to refer to supporters of the Ennahda Party or other religiously rooted political parties, can be activists as well.

3 Human Rights Watch, “Long-term Solitary Confinement.”

4 Interviews were conducted in two rounds, one in July and August 2017 and another in December 2017.

5 Social connections are significant for an individual’s perception of well-being or happiness. Helliwell et al., *World Happiness Report*, chapter 2.

of their extended family. Further, women who had not previously worked outside the home or who lost their job as a result of being related to an “enemy of the state” had to generate an income and/or depend heavily on the financial and social support of relatives.

Women relatives of political prisoners were also harassed by Tunisia’s system of *pointage* (which required the relatives of prisoners to report daily to different police stations) and having to travel long distances to deliver *couffins* (traditional baskets) containing food, clothing, blankets, and/or medicine to their incarcerated relatives, who were often relocated to far-away prisons to increase the burden on families. Many women experienced sexual harassment and violence, sometimes at the hands of police officers during their *pointage*-mandated check-ins, other times by neighbors or others in the community who took advantage of their heightened vulnerability in the absence of male family members. This type of harassment and violence further enhanced these victims’ sense of shame, estrangement, and self-loathing, especially considering the highly conservative religious communities most lived in.

Detainees, once released from prison, were often incapable of resuming their normal family relationships with their loved ones, returning from torture chambers to their homes. An inability to engage in healthy marital relations led, in some cases, to violent interactions with their family members. Though many wives, sisters, and mothers feel a need to stand by their persecuted men, interviews revealed that some children resent their father’s political choices, which they blame for destroying their hope for a decent life. In some cases, women were even forced by their family to divorce their husband while he was in prison and marry a man from the police or security forces, in order to lift the weight of alienation and harassment from the extended family. It is essential that this array of consequences be examined in a systematic way, in order to begin to understand the full impact of the state’s willful destruction of families on indirect victims.⁶

Many Tunisians have spent a majority of their life living under repressive rule, and from interviews, it seems clear that some of the effects of such a life have not only persisted for the women but in some cases have transferred to their families. The deeply entrenched and justifiable lack of trust in state institutions expressed in interviews with victims (both direct and indirect) can only be repaired with efforts on the part of the state to highlight the human rights violations experienced, address the needs of victims and ensure non-repetition.

After the 2011 revolution, Tunisia embarked on a process to address past human rights violations under the comprehensive framework established by the Organic Law on Establishing and Organizing Transitional Justice. The process has faced numerous challenges, including a difficult political terrain, and victims have expressed frustration with the lack of results. The Truth and Dignity Commission was plagued by internal divisions, while the Specialized Chambers has faced slow implementation. The other elements included in the law – reparations, memorialization and institutional reform – are still forthcoming.

⁶ There is an internal, unpublished study being carried out by UN Women on behalf of the TDC on the impact of human rights violations on the family, so there are some indications that a small, yet important, body of literature on the topic may be growing.

This report offers documentation and analysis that aims to enhance the current understanding of the experiences of this population of victims. It underscores the importance of actively involving victims in the process of societal transformation. The transitional justice process in Tunisia must recognize the experiences of indirect victims and seek to address the consequences of the violations they faced. This report highlights that this goes beyond ensuring their participation in the process, which is important, to contributing to their ability to exercise agency in their lives and make up for the opportunities they were denied by the state.

Recommendations

*Truth and Dignity Commission:*⁷

- Include specific sections on women in its final report, including women who are "indirect victims," and their unique experiences of repression, their demands, and the causes and consequences of the violations they experienced, while also incorporating gender analysis throughout the report.
- Publicize who constitutes a victim, with emphasis on victims of political violence.

Government of Tunisia:

- Issue a public apology on behalf of the government to indirect victims. Include an admission of state responsibility for human rights violations, so that these acts cannot be labeled as exceptional by errant security and police forces.
- Institute affirmative action programs (*discrimination positive* in French) for children of political detainees, so they can resume their education, whether in vocational school, high school, university, or a job-training program.
- Facilitate support groups (*cercles de débats*) for children of political prisoners and indirect victims.
- Initiate access to free or subsidized mental health counseling for indirect victims and their families.
- Initiate access to free or subsidized medical services for indirect victims and their families.
- Pay financial reparations as part of the mandate of the Dignity Fund, the body responsible for managing the global program of reparations to be recommended by the TDC.
- Institute reform of police and security forces in order to deter, prevent, and sanction harassment and other abusive conduct.
- Create a commission tasked with revising and producing school textbooks to include references to human rights violations committed by past regimes.
- Raise awareness of political violence as a form of violence against women under Tunisia's 2017 law to combat violence against women.

⁷ ICTJ recognizes that at the time of publication, the TDC is drafting its final report. The demands victims made that were regarding recommendations to be made by the TDC are included under recommendations to the Government of Tunisia. Those demands, as well as those here, are still relevant as the TDC drafts its final report and embarks on subsequent outreach and dissemination.

International Community and Tunisian Civil Society:

- Take proactive steps to ensure the inclusion and representation of indirect victims, including from different regions, within programming and other initiatives relevant for victims, particularly those specific to women victims.
- Conduct a systematic study on inequality among women in Tunisia based on different factors, such as their political affiliation, class, and geography, etc., as emphasis generally is on male-female inequality.
- Consider including in development programs grants for indirect victims to be used for education, start-up funds for self-employment, or professional or vocational training. Such grants should explicitly recognize the beneficiaries' status as victims.
- Assist in establishing memorial sites to victims of human rights violations in Tunisia that represent the experiences of indirect victims.
 - For example, turning former prisons into sites of remembrance and education
 - To this end, collaborate with other memorial sites, such as the Apartheid Museum in Johannesburg, South Africa; the Stasi (East German security service) Museum in Berlin; the Genocide Museum in Kigali, Rwanda, etc.
- Support the creation of a body of literature, documentaries, and other forms of narrative that chronicle the experiences of indirect victims and their families within the history of state-sanctioned human rights violations in Tunisia.
- Conduct research to better understand the needs and demands of children of former detainees.

We were prisoners of our parents' actions.

- Hind and Karima, 24- and 22-Year-Old Daughters of Former Political Prisoners

Since we were obliged to live in isolation for so many years, it is hard to re-integrate into society. For my husband and me, normal marital relations are difficult. He prefers to be alone. He suffered so much violence. Our house is still filled with the taint of years of suspicion.

- Cheira, Wife of Former Political Prisoner

1. Introduction

A popular uprising against the repressive government of Zine El Abidine Ben Ali in late 2010 and early 2011 in Tunisia captivated the world and became the first in a series of movements denouncing repression across the Middle East and North Africa (MENA). The new temporary government that took power moved with remarkable swiftness to initiate a transitional justice process in the country.⁸ The Islamist Ennahda (or Al Nahda or Nahda) party won the country's first democratic elections, in October 2011. The majority of its members had been imprisoned, tortured, and/or exiled, or had suffered serious discrimination, social exclusion, and economic hardship during the dictatorship period, which meant that they were presumably more sensitive to issues facing victims and those in marginalized regions.

The new government created a Ministry of Human Rights and Transitional Justice in January 2012 to, among other tasks, draft a comprehensive transitional justice law. On December 15, 2013, the Organic Law on Establishing and Organizing Transitional Justice, No. 2013-53 (Transitional Justice Law) was officially adopted by the National Constituent Assembly of Tunisia.

The Transitional Justice Law was responsive to the specifics of the Tunisian context. It outlined a process for seeking truth and justice in the country and emphasized women's voices as an integral part of that plan. Soon after, in June 2014, the country's truth commission, Instance Vérité et Dignité (IVD), or Truth and Dignity Commission (TDC), was established. This particular name is notable among truth commissions globally for its originality, as no other truth commission has included the term *dignity* in its title. It also recognizes that *karama*, the Arabic word for dignity, was the rallying cry of the protesters who brought about the downfall of the Ben Ali regime. In Tunisia, dignity commonly refers to: the ability to work in order to earn an honest living, access to public education without facing discrimination based on religious or political party affiliation, and the full enjoyment of all rights accorded to Tunisian citizens. According to one woman interviewed for this study, "dignity is having the same rights as every [other] citizen in the country."⁹

The Transitional Justice Law specifically defines a victim as one who directly suffered a human rights violation, like political imprisonment, or *one who is a family member of such an individual*. The law states:

⁸ This was in part due to the long-standing tradition of valuing the importance of law in Tunisia. It is not a coincidence that one of the first political parties, founded in 1920, carried the name "Destour," or Constitution, in reference to the Constitution of 1863, an indication of Tunisia's tradition and belief in the power of a supreme legal document. El Bernoussi, "Tunisia's long history of Constitutionalism."

⁹ To provide maximum confidentiality of participants, in most cases we omit names, places and dates of interviews.

a victim shall mean any individual, group or legal entity having suffered harm as a result of a violation. Under the Public Law, shall also be considered as victims’ family members who were harmed as a result of their kinship to the victim as well as any person who was harmed while intervening to help the victim or to prevent the violation. This definition shall include every region which was marginalized or which suffered systematic exclusion.

Reparation for victims of violations constitutes a right guaranteed by law and the State shall take sufficient and efficient reparations measures in line with the seriousness of the violation and the situation of every victim. The State’s available capacities should be taken into consideration when implementing reparations. Reparation is a system based on moral and material compensation, rehabilitation, apology, restoration of rights, and reintegration. It may be individual as well as collective and shall take into consideration the situation of the elderly, of women, of children, of the disabled and individuals with special needs, patients as well as of vulnerable groups.¹⁰

This report focuses on Tunisia’s “indirect victims¹¹”—or, as the law states, *those “who were harmed as a result of their kinship to the victim”*—in relation to the country’s ongoing transitional justice process.

Predominantly women, these victims have suffered immeasurable hardship, both during the decades of dictatorial rule and in the years that have followed. One of the most prominent consequences has been the destruction of the family unit, whether all at once or over time as a result of the slow disintegration of relationships irrevocably changed by the actions of the state. Poverty, disenfranchisement, physical harassment, sexual and gender-based violence, and a deep lack of trust in state authorities are among the other long-term consequences described by women interviewed for this report. One woman, Najet, the wife of a former political prisoner, captured well the pervasiveness of what these women experienced: “The long arm of the state touched every member of society; neighbors avoided you as if you carried a deadly, infectious disease. The price we paid for the betterment of Tunisia was too high.”¹²

Human rights violations against the female relatives of those who were targeted, tortured, and imprisoned have longstanding impacts, with no definitive end. Their stories are likely to go untold if they are not actively sought out and shared with the public. This report seeks to do just that: tell the stories of those affected as a result of the political activities—perceived or real—of loved ones. While it cannot attempt to document every individual experience, it does aim to provide a deeper sense of the profiles of those who were affected and the commonalities that exist across their diverse realities. It is written in hopes of making a positive contribution to the building of a new Tunisia.

10 National Constituent Assembly of Tunisia. [2013]. Organic law on establishing and organizing transitional justice, no. 53, para 4, Article 10-11. Translation from Arabic and French into English by ICTJ.

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12 To ensure the confidentiality of respondents, pseudonyms are used throughout this report, and in most cases, quotes are not attributed to a particular individual. An exception was made for mothers of martyrs of the revolution and public officials, who live in the public eye; their names appear unchanged. The location of an interview was also either changed or omitted when a person could be easily identified from this information.

While the TDC recorded some of these women’s stories during its process of collecting statements from victims, many had never been recorded by anyone before these interviews. In addition, the number of submissions given by women to the TDC was relatively low. The goal of this research was to collect these women’s narratives in such a way that both validates their experiences as victims and as Tunisians and makes it impossible to ignore their demands for justice and acknowledgement of the harm done to them and their families. While the process of truth seeking and truth telling in Tunisia has been underway for several years now, piecing together Tunisian society’s collective memory will take much more time. Understanding the full range of those whose rights were violated in the past, and how, is therefore critical to the success of Tunisia’s democratic future.

The findings and recommendations shared here should prompt meaningful action by the Tunisian government and civil society to incorporate these women and their stories fully into Tunisia’s process of reckoning with its legacy of repression. Their needs are unique and so too must be the solutions—be they in the form of truth, reparation, accountability, or reforms that will ensure future generations never have to experience the same violence and repression again.

2. Methodology

This report is based on research that utilized structured and semi-structured interviews of selected individuals drawn from the target population: indirect victims of human rights abuses that were committed in Tunisia from the early 1960s to the revolution and the years beyond. In addition to individual interviews, ten focus groups were conducted in nine regions plus the capital city of Tunis. *Indirect victims* in this report are defined as men, women, and children who suffered discrimination, social exclusion, police violence and harassment not for any activities of their own but as a result of their relatives’ incarceration.¹³ Though the term “indirect victim” is by no means perfect and many people both inside and outside of Tunisia prefer to refer to this group as victims without qualification, we employ it in this report to remain both concise and precise in referring to individuals in this group.

A key priority for this research was to select the most diverse sample possible from the population of indirect victims. Through purposive sampling, approximately 300 women were identified who met the study requirements, which included being a wife, sister, mother, or daughter of a former political prisoner. Of these, 250 were interviewed by the author in July and August 2017 and again in December 2017. Also interviewed were mothers of “martyrs of the revolution.” *Martyrs* in this context are mostly young men who were severely injured or killed during the 2010–2011 uprising.

Great care was taken to reach the largest, most representative sample of victims possible. It is important to remember that women in Tunisia do not constitute a homogenous group: there are great differences, for instance, between the more secularly minded, mostly francophone urban elite and the more religiously oriented, Arabic-speaking, and often less formally educated, particularly those in the countries’ marginalized regions.

Interviewees, therefore, were selected from all major coastal cities (Tunis, Sfax, Monastir, Nabeul, Kélibia) and towns in the marginalized regions (Tozeur, Tataouine, Sidi Bouzid, Le Kef, Kasserine, Gafsa). For this, the assistance of the ICTJ Tunisia Program and civil society associations throughout the country, including the network of women’s organizations that have come together as part of the “TJ Is Also for Women Network,” was invaluable. In several cases, respondents travelled from nearby towns to be interviewed; women originally from Sousse came from as far away as Monastir or Sfax, for example. Respondents included women affiliated with the Ennahda political party (the largest population), women affiliated with leftist organizations and trade unions, Youssefites,¹⁴ and mothers of martyrs of the revolution.

The data was analyzed using the Grounded Theory approach, a qualitative methodology developed by Glaser and Strauss at the University of Chicago.¹⁵ Grounded Theory serves as a foundation for the construction of theory based on data analysis. Thus, the research began with a set of discrete and open-ended questions, then, based on responses, common themes were identified that could then be explored in greater detail.

13 United Nations, Basic Principles of Justice (2005) and Basic Principles and Guidelines on the Right to a Remedy (2005); National Constituent Assembly, Organic law.

14 The term “Youssefite” refers to individuals in Tunisia who were aligned around the time of independence with Salah Ben Youssef, who stood in opposition to Habib Bourguiba. While Bourguiba proposed a slow, incremental process of independence from France, Ben Youssef and his followers advocated immediate and full independence. Bourguiba’s proposal kept the southern regions of Tunisia under French rule for a longer period of time; hence, the majority of Youssefites reside in the more marginalized regions in the south of Tunisia.

15 Glaser and Strauss, *Discovery of Grounded Theory*.

This method allowed for maximum input from the target population, giving interviewees a platform from which to voice their experiences. The interview protocol included the following questions:

1. In your view, who is a victim?
2. What are your expectations of the Truth and Dignity Commission and/or the Tunisian government?
3. As the Tunisian truth commission is the first in the world to include the term “dignity” in its title, what does dignity mean for you?
4. If you testified in front of the TDC, were there things that you did not say that you nonetheless consider important? If so, what were they?

The results were divided into two sections based on the interview schedule. In the first section, quantitative summary data was collected, consisting primarily of demographic information, such as the interviewee’s name, age, town of origin, marital status, number of children, and nature of association with a “direct” victim. This section also included questions such as: Did you submit a file to the TDC (Truth and Dignity Commission)? Were you called to testify in person? In the second part, analysis of primarily open-ended questions, like the ones mentioned above, were analyzed, as well as:

1. Would you like your fate to be publicly acknowledged, and if yes, how would you like it to be remembered?
2. What are your expectations of the Truth and Dignity Commission?
3. What do you expect from state authorities?

Every possible step was taken to avoid re-victimization and marginalization of respondents by allowing them to speak on subjects of importance to them and not insisting that they answer questions.

The goal of the report is to shed light on a population of victims that is often overlooked or silenced in the process of transitional justice and post-uprising nation building. Tunisia, like most post-transition societies, is still marked by citizen’s suspicion of one another. People were not always sure where anyone stood during the time of the dictatorship. Hence, it may be less complicated for an outsider to collect information on sensitive topics like the ones in this report. Still, the author is aware of the “peril of representation,” that is, the “consequence of international TJ [Transitional Justice] entrepreneurs speaking on behalf of groups and individuals they ‘label’ as victims.”¹⁶

¹⁶ Buckley-Zistel, *Redressing Sexual Violence*.

3. Historical Violations and Truth Seeking

Long before the uprisings in 2011, Tunisia was known as the Muslim-majority Arab country that granted women comparatively more rights than any other in the region. Six months after independence from France in 1956, the first post-colonial president, Habib Bourguiba, decreed a new Personal Status Code (PSC) that, among other provisions, abolished polygamy, required that marriage be based on consent of both partners, and created a new judicial procedure for divorce.¹⁷ This PSC was enacted on August 13, 1956, before the country had its first post-colonial constitution in 1959. The government thus declared August 13 as the Day of Women, in contrast to the rest of the world, which celebrates International Women’s Day on March 8. Bourguiba initiated and encouraged free education for girls and boys and paved the way for women to insert themselves into public life.

This “state feminism,”¹⁸ however, came at a high price: imprisonment, persecution, and torture of anyone who questioned or opposed Bourguiba’s rule, including prominent feminists, such as Radhia Haddad and Bchira Ben Mrad.¹⁹ While PSC reform undoubtedly granted women more rights than in any other Arab Muslim majority country at the time,²⁰ not only were these advances selectively applied to those women who were deemed to fit the image of a modern, westernized woman, they were also used to obfuscate from the silencing of political opposition and other human rights violations that were ongoing at the time. Even the international community turned a blind eye to systemic human rights violations in Tunisia, instead, hailing the country’s progressive stance on women’s rights.²¹

Initially, opponents were either leftists, i.e., members of trade unions or student unions, or Youssefites, supporters of Bourguiba’s erstwhile companion-turned-arch-rival Salah Ben Youssef.²² Later, opponents expanded to include Islamists, who were severely persecuted from the 1980s onwards.

Under President Ben Ali, who assumed power after a bloodless coup in 1987, persecution focused primarily on Islamist Ennahda activists (or Nadhaouis), who were very vocal in their opposition to the government.²³ The government imprisoned and tortured Nadhaouis and ordered or caused their family members to be dismissed from work, expelled from school, and subjected to random police searches and harassment. Families of the Nadhaouis were also subjected to extreme social isolation, which is particularly devastating in a country built on extended families and close-knit communities. Islamists were demonized in Tunisia and on the international stage, so that, all too

17 The PSC, also referred to as family law, is religiously based law pertaining broadly to marriage, divorce, child custody, inheritance, and the passing on of nationality.

18 Amira Mhadhbi defines state feminism as, “the systematic and explicit governmental exploitation of the feminist cause for political reasons narrowly linked to enhancing the image, prestige and ideological sustainability of the autocratic regime.” Mhadhbi, *State feminism*. See also Murphy, *Women in Tunisia*, 169–194.

19 Radhia Haddad (1922–2003) was one of the first and foremost Tunisian feminists who received a four-month suspended prison sentence in 1974. Bchira Ben Mrad was under house arrest until her death in 1993. For more information, see Clancy-Smith, *North Africa and France*.

20 Moghadam, *Modernizing Women*.

21 For more on this topic, see also El-Masri, *Tunisian Women*; Brand, *Women, the state, and political liberalization*; Jomier, *Secularism and State Feminism*.

22 Ben Youssef was assassinated in Germany in 1961.

23 Ennahda, which began as a preaching circle, in the mid-1970s became al-Jama’at al-Islamiyya (the Islamic Group). A decade later it operated under the name Harakat al-Ittijah al-Islami (the Islamic Tendency Movement) until 1988, and subsequently developed into Harakat al-Nahda (the Movement of the Renaissance). Today it understands itself as a moderate Islamist political party. For a detailed background on Ennahda, see Wolf, *Political Islam*; and McCarthy, *Politics and Preaching*.

frequently, there was little differentiation seen between members of radical, potential terrorist groups and genuinely moderate Islamists—a lack of distinction that continues today. The government justified its persecution of Ennahda members by saying that they were either plotting to overthrow the government or involved in domestic acts of terrorism.

One technique employed by state authorities to harass and stigmatize family members was *pointage*, an elaborate system that required relatives of detainees to report to a police station several times a day, sometimes to different stations in different parts of the city. Pointage made it impossible for women to hold down a regular job, due to frequent and repeated absences while reporting to the police. Because they also required the government’s permission to carry out mundane tasks, like taking a child to the doctor, it also made it extremely difficult for family members of the incarcerated to adequately care for their children.

Another method of harassment related to the so-called *couffin* (literally, “basket”), a common practice whereby women brought traditional baskets filled with food, medicine, and other essential items for their incarcerated loved ones who would otherwise be left to survive only on the extremely poor provisions available in detention. This practice is extremely important and deeply ingrained in Tunisian society; the baskets have come to symbolize love and compassion. The government intentionally made it difficult or even impossible for some family members to fulfill this duty, by frequently moving detainees to different prisons all over the country, often without informing their relatives, as a way to cause them greater distress and burden. Problematic in and of itself, randomly relocating detainees also resulted in family members having to waste countless hours or days trying to locate their loved ones, and then travelling long distances to deliver their *couffins*. Wives of detainees often chose to give away their children to relatives, in order to raise the funds and dedicate the time needed to deliver the *couffins*. Thus, the government’s purposeful destruction of the family unit was compounded by financial hardship on the family, leading to extreme social exclusion and isolation.

Female family members were also harassed by the police and subjected to unwarranted, random detention. As early as 1993, Amnesty International wrote about indirect victims in its report on women victims of torture, harassment, and imprisonment in Tunisia, who were primarily members of Ennahda (Islamist) or the Tunisian Communist Party (PCOT):

The main difference concerning the situation of the women detained in the past two years in Tunisia is that the vast majority of them were clearly detained because of their relation to men accused of illegal political activities, rather than because they were themselves politically active. This is clearly indicated by the fact that the majority were only questioned about their husband’s whereabouts and activities and never themselves charged or brought to trial.²⁴

24 Amnesty International, Women Victims.

Some secular women’s rights groups in Tunisia admit to not having come to the aid of incarcerated female Islamic prisoners largely because they perceived the Islamist project as contrary to modern state building and the advancement of women’s rights.²⁵ In addition to their personal and ideological disagreements, lack of support was certainly also due to the severe legal and administrative constraints under which organizations had to operate during the dictatorship.²⁶ At the same time, these groups contributed in no small part to whitewashing the image of a repressive regime that tolerated no dissent. The advancement of women’s rights, then, became a trade-off for the oppression of women suspected of supporting Ennahda.

Such cleavages, which date to Tunisia’s founding, linger today. Adherents of Islamist political parties—and importantly, their relatives—still report suffering from discrimination in educational institutions, the workplace, and beyond.

25 Debuysere, *Tunisian Women*. Also, McCarthy, *Re-thinking Secularism*, 747.

26 Antonakis-Nashif, *Contested transformation*.

Transitional Justice in Tunisia

The regime of Zine El Abidine Ben Ali was officially overthrown on January 14, 2011, when Ben Ali fled the country following nearly a month of protests. These events helped spark uprisings throughout MENA.²⁷ Tunisia held its first free and democratic elections in October 2011, in which the Ennahda party emerged as the winner.

Tunisia again became a pioneer in the region by embarking on a genuine transitional justice process. In December 2013, the National Constituent Assembly of Tunisia passed the country’s historic Transitional Justice Law, which serves as the roadmap for pursuing justice and accountability in Tunisia, with several institutions mandated to lead that charge. The TDC, the first to be established, was mandated to seek the truth about crimes and abuses dating back to 1955, a year before Tunisia officially gained independence from France, in an effort to come to terms with the country’s post-colonial past.

The TDC formally launched its work on June 9, 2014, victims were invited to submit written “dossiers,” detailing the abuses and consequences they suffered, until June 2016. Of the approximately 62,700 dossiers received by the TDC, approximately 15,000, or 23 percent, came from women.²⁸ After the first year of the TDC’s operations, women only represented five percent of the dossiers submitted. The increase to 23 percent was largely due to the extensive work of the civil society coalition, “Transitional Justice is Also for Women,” and the Women’s Committee, a group created within the TDC by the TDC bylaws. According to Article 4 of the law, violations against women and children are at the core of issues to be addressed by the commission.²⁹

The Transitional Justice Law also called for the investigation and prosecution of human rights violations, the provision of reparations to victims, institutional reform, vetting, and memorialization. The Specialized Judicial Chambers were created under the 2014 law but has been slow to become operational. It received its first case from the TDC in March 2018. In its final report, expected in December 2018, the TDC is anticipated to issue recommendations on reparations and other transitional justice issues.

The transitional justice process has faced challenges and setbacks, including the passing of an Administrative Reconciliation Law in September 2017. The law grants amnesties to public officials involved in corruption so long as they did not personally benefit from it. Following the first tabling of the law, the social movement known as “Manish Msemah” (“I will not forgive”) spread across Tunisia. Supporters of the popular movement contested the government’s claim that the law would contribute to the significant economic improvement of the country.³⁰ While the motivating factors for the 2011 uprisings were primarily economic, as were recurring waves of protests in early 2018, this law was widely viewed as promoting impunity for past crimes and undermining the laws and institutions put in place since the fall of Ben Ali to fight widespread corruption.

27 Though Morocco also had some form of transitional justice with its Equity and Reconciliation Commission (Instance Équité et Réconciliation, IER), which operated from 2004-2005, it only addressed human rights violations that occurred during a specific period of time, namely the years of lead (1960s-1980s) and especially the period that followed the two coup attempts against King Hassan II in 1971 and 1972. The work of the IER was not widely publicized and many Moroccans were unaware that such a commission existed. Usually transitional justice occurs after significant regime change; however, in Morocco there was natural succession from King Hassan II to his son Mohamed VI, after his father’s death in 1999.

28 TDC, Internet Homepage.

29 ICTJ provided ample support to both the civil society coalition and the TDC Women’s Committee.

30 Yerkes and Muasher, Tunisia’s Corruption Contagion.

Victims have grown increasingly frustrated with the slow progress of the transitional justice process and the continuing economic inequality in the country. Many of the women interviewed for this research expressed dissatisfaction with the TDC’s communication and transparency during its operations. They wanted the TDC to more clearly explain to the public the scope of its activities and do more to build awareness among victims. Some expressed that they had hoped the TDC would take on specific tasks that it did not, such as educating women victims about their right to initiate legal action against perpetrators. It remains to be seen how the TDC final report will address some of these issues.

4. Tunisia’s Forgotten Victims

Dubbed “indirect victims” by many in and outside of Tunisia, these victims are anything but. The impacts of the violations inflicted on countless women—wives, sisters, mothers, children—because of the alleged activities and affiliations of their relatives (who are also victims) are both direct and substantial. In some cases, women were imprisoned or taken in for questioning if their husbands or sons were perceived to be associated with opposition parties. Many others were harassed; subjected to the degrading *pointage* system; alienated and ostracized by their neighbors, communities, and even families; or prevented from gaining already difficult-to-come-by employment and education for themselves and their children.

The pervasive and pernicious effects of these violations continue to be felt today by families plagued by feelings of blame, resentment, or trauma as they struggle to make ends meet after having been denied the chance to receive education or dignified employment for so many years.

The story of Farida, 57, demonstrates some of the traumatic consequences suffered by family members as a result of being related to someone accused of being a member of an illegal organization and thus, an enemy of the state. While her husband was in prison, Farida was left alone to take care of her children in a country where single motherhood is considered shameful. Neither her nor her husband’s family was capable or willing to offer much support. During her husband’s years in prison, her eldest son Mohamed was prevented by his school from sitting for exams and eventually was expelled. Without proper education and no professional qualifications, he had no hope of getting a job that would pay a living wage. With nothing to do all day, he joined a group of radical Muslims and eventually, unbeknown to his family, went to Iraq and Syria, where he joined the so-called Islamic State group ISIS (or Daesh). The last words Farida heard from her son when he called from Syria were, “Do you think I will return to a country that humiliates me?” Soon thereafter she received news that Mohamed had been killed. Today Farida says, “I blame the state for what happened to my son. Nobody ever asked me why he joined Daesh. The daily harassment by the police was just unbearable for him. They did not allow me to raise a normal family.”

In the following section, we present some brief characterizations of three different groups of indirect victims: wives of former detainees like Farida, children of former detainees, and mothers, sisters, and wives of martyrs of the revolution.

Wives of Former Detainees

You can't have any goals in life when your husband is in prison. This leads you to despise yourself; I even hate myself at times.

- **Rim, Wife of Former Political Prisoner**

Certainly, the largest group of indirect victims in Tunisia is the wives of former prisoners of conscience, whether Islamists, Leftists, or Youssefites, etc. These women were left alone to manage all family affairs, pay bills in the absence of a traditional family breadwinner or a decent job, prepare meals for their detained husbands, and crisscross the country with their couffins (baskets), bringing food, medicine, and clothing to their husbands wherever they were being held at the time.

Most of the wives of the detained who were interviewed for this research consider themselves victims, without qualification. This was particularly true of women from the urbanized coastal regions and those who have been able to receive quality education and are therefore better equipped to understand the significance of the political actions of their husbands. In these cases, they saw themselves and their children as victims of systematic, state-sanctioned and enforced discrimination, harassment, violence, and even torture, even though they had never served time in prison. As one woman put it, "while my husband languished in a prison cell, I was incarcerated in the larger prison that was Tunisia."

"I was a political prisoner even though I never spent a day behind bars and I have no interest in politics," said Djamilia in the coastal town of Kélibia. "I was imprisoned in my neighborhood, people avoided me, the butcher would not sell me meat, my children were expelled from school." Like her peers in this coastal town, she said for years all she could do was contemplate the clear blue waters of the Mediterranean and hope and pray for better times.

What makes the isolation and harassment particularly difficult is that there is neither a clear beginning, nor ending point of violence; their suffering started before their husbands were incarcerated and did not end with their husband's release from prison. Wives and other women whose relatives were politically active often came under state surveillance before their relatives were apprehended or sentenced, and the surveillance continued during their incarceration and after their release. Nor is there a clear delineation of perpetrators. Official state representatives, neighbors, and even one's own family could take on the role of oppressor. Said a woman in Tunis, "We were deprived of our basic rights as citizens and forced to live in isolation."

The psychological consequences of such politically motivated victimization may indeed be similar to that of victims of conventional crimes, which are well studied and documented.³¹

31 Liebling and Maruna, Effects of Imprisonment; and Arditti, Parental Incarceration.

Years of Hardship

While women in the interior of the country admitted that poverty is a common phenomenon unrelated to any religious or political activism and resulting persecution, it is the combination of poverty and constant fear and mistrust that aggravated the situation of families with an incarcerated relative. One woman explained, “In order to make some money, I started baking bread and selling it in the street. The police officer demanded that I hand over all my unsold bread to him in the evenings.”

Others spoke of how, even when they could secure employment, they were harassed in the workplace. “We were exploited in the factories, they [the management] knew that our husbands were in prison, that we were in a vulnerable position. They could get away with anything.”

Some women spoke of their difficulty with childbirth or child care. Merieme reported that one of her six children had a disability but was unable to receive medical services for an extended period of time, since she had no access to public healthcare as the wife of a political prisoner. Another woman told us that, “Because of the harassment, I started hemorrhaging during my pregnancy. I gave birth in a police station. The police threw my stillborn in the trashcan. My mother came and took the baby out of the trashcan for burial.” Others spoke of how they could not breastfeed their babies, because of the extremely time-consuming system of pointage. But at the same time, they had no money to purchase baby formula.

Authorities took steps to inflict psychological and emotional suffering by shaming detainees within the family, including involving their children. Said Bouchra, “The police forced me under threat to tell my children that their father was a criminal.” This put families under extraordinary stress because the children saw that their mothers went out of their way to visit their fathers, but they were told by the authorities and people outside the family that he was a very bad person. Some women opted not to take their children along when they visited their husbands in prison while others did: “I wanted my children to know their father and see him. But visiting him behind bars was traumatizing. I could not explain clearly why he was there.”

“As a former teacher, I was lucky. My children were expelled from school and I lost my job. So, I spent my time educating my children at home,” said Fawzia, 51, in the dusty interior town of Gafsa. Fawzia has no connection to any political party but was involved in the so-called Bread Riots in Gafsa in 2008 and therefore caught the ire of state security services.

Wives in Hijab

For women wearing the hijab, or Muslim headscarf, the discrimination was compounded. Their ordeal started more than thirty years ago, when Bourguiba accelerated the crackdown on (perceived and real) Islamists and especially targeted women who wore the hijab with the infamous Circular 108 of 1981 that forbade the wearing of hijab—described as “sectarian dress”—in public schools and public administrations. Once there was such a directive for the public sector, the private sector soon followed suit and began to expel and otherwise discriminate against veiled women. There were also women with no such affiliation who chose to wear the Muslim headscarf, in spite of the circular that prohibited such confessional attire.

Exclaimed Bouchra, "Women like me [who wear the Muslim headscarf] were never included in the project of women's equality. We had no rights as citizens."

When asked about their insistence on wearing the hijab despite public and state persecution, respondents said they felt that, particularly in a Muslim majority country, this should be their right and therefore they did not consider taking it off. One wife of a former detainee commented: "We are tired; our children are tired. I am angry, so angry. What rights have I gained since the revolution? To wear the hijab, nothing else."

Living in Fear and Lack of Trust in Authorities

Overall, women reported that they felt constant fear throughout their ordeal, a fear that has not dissipated even today, seven years after the uprising: "We were condemned to a life in fear. Afraid of the police, afraid of the state security services, afraid of our neighbors, and most painful of all, afraid of our own families. How can you regain a normal life if you have learned not to trust anyone?"

"After my husband was imprisoned, I lived in a constant state of fear. I did not know if he was alive or dead. Police refused to tell me. This drove me almost mad and I am ashamed to say that I neglected my children," said another woman.

Zaynab described how her children were forced to become informants: "The teachers showed pictures to my children in primary school and asked who of those people had been to our house. To avoid this kind of pressure on them at school, we ended up in complete isolation."

Holidays, commonly a time for celebration, were another source of grief. "The police came to our house and asked who gave us the sheep for Aid al Adha (the highest holiday in Islam). If we told them, that person got in trouble. If we did not get a sheep nor get together with family, my children would ask why we did not celebrate. I cannot forget those days, I will take those memories with me to the grave."

The transfer of that fear, as well as a profound distrust in police, government, and all representatives of the state, to the children of political detainees has translated into a distinctly disadvantaged start in life for them, leaving them in a vulnerable situation even today. Among sobs, Zaynab said: "I have to shoulder the burden of his choices, our children grew up without a father, worse: a father in prison."

After Release: Trauma at Home

For these women, there often is no significant marker between past and present suffering. Their husbands returned home with mental and physical challenges that did not allow for a smooth re-integration into "normal" marital or family life. These men needed to reassert their masculinity, a process that put a great burden on their wives, children, and mothers.

Families were left to their own devices in rebuilding their lives after a prisoner was released. In Kasserine, a woman said: "I am living a life of permanent sadness and poverty. And yet, I am supposed to console my husband who was an activist and served a prison sentence."

It was even more difficult for women to speak of the recurring marital problems resulting from their husband's experience of incarceration or torture or their own experience of violence. Some women spoke about marital problems for the first time in interviews with ICTJ. The reasons for this are manifold. According to the victims interviewed for this report, the TDC, for example, did not ask women about private problems that occurred after their husband's release from prison. Some women were too ashamed to bring this up in front of the commission and felt safer with a foreigner.

Also, many women did not have an understanding of post-traumatic stress disorder and believed it was their fate to bear suffering. "My children were ridiculed or harassed because their father was a prisoner. A father they did not really know, so when he came home, he was a stranger whom they resented. I was pulled between my husband and my children," described Saousane. Others simply did not view marital problems as an issue of concern for the TDC.

When they did summon the courage to address this issue, they felt further isolated. Rhizzlane admitted to not having had sexual relationships with her husband for more than 12 years: "My husband does not know about this, but I talked about his impotence and the resulting problem in front of the commission. It was a catharsis for the first time to speak about this. But there was no follow-up, no call, no opportunity for counseling, so there is no change in our marriage."

Another recurring theme in the interviews was the need for counseling services for the wives of former detainees, their husbands, and, most urgently, for their children.

A particularly sensitive issue is that of sexual violence. Rarely did women who were called to testify in front of the TDC feel comfortable recounting such incidents.

Children of Former Detainees

Children of former detainees remain in a precarious situation today. As sons and daughters of so-called enemies of the state, they are perceived by neighbors, society in general, and sometimes even their own extended families as criminals. They often grew up in extreme social isolation, perpetually taunted by their peers at school, harassed by teachers, and followed by the police. Most daughters interviewed for this report said that one of their major difficulties is making friends, trusting people, and, above all, learning to live without fear. When asked what they desired most in life, a common response was: "To live without fear. That is something the state cannot give us." From early childhood, they feared their neighbors, their classmates, and even their relatives. Many reported that a childhood marked by an inability to have friends has had long-term consequences as decades of isolation have caused them to struggle to socialize and fit in as adults.

Yet, there is little documentation or understanding of the fate of these children of former detainees. The wives of former detainees who were called to testify in front of the TDC said they were not asked about their children and, therefore, did not share any of the problems their children encountered. As one mother observed, "I did not know I could talk about my children, even though they are the ones who continue to suffer from the stigmatization that started with their father's detention." Interviews and focus groups conducted for this study helped to bring the experiences of this hidden population of victims to light.

Conflicted Parental Relationships

A common refrain during interviews with children of former detainees was how confusing it was to hear one message about their fathers at school and another one at home. While their mothers presented their fathers as heroes, incarcerated for their courage and beliefs, they experienced their fathers as broken, flawed men with whom they had difficulty connecting. "I do not understand why my life was so difficult all because my father was a Youssefite. I was singled out by teachers at school. At home I was told my father was a hero who gave his life for our country's independence, but everywhere else I was told my father was an enemy of the state," shared 65-year-old Fatima, who was three years old when her father was killed in the late 1950s. Fatima said harassment of her family by authorities continued even under the Ben Ali regime.

Some young women recounted that although their fathers suffered in prison, it was their mothers who were left to pick up the pieces. Thus, their most direct exposure of the harms caused by their father's incarceration was to the daily hardships their mothers endured.

Many also feel alienated from their parents, whose political or religious convictions they do not necessarily share. The result is that many children continue to have conflicted relationships with their formerly incarcerated fathers. "Even after he was released, I never really experienced what a father is. We never managed to connect, I feel so distant from him. At some point, I had to take off the hijab, I just could not go on living my life trying to please my father and make up for his ordeal," said 24-year-old Lina, in Sidi Bouzid.

"We were prisoners of our parents' actions," is how Rime, 24, put it. "I hate coming to these 'victims' meetings' and always having to speak about our ordeal while our father was in prison. I want to start my own life, free from that burden." As a young woman from a small town, she even went so far as to say she only wears the hijab when she goes to her hometown so as not to upset her family. In the capital city of Tunis and at university, she chooses not to wear the headscarf.

These young people find themselves between a rock and hard place, torn between family loyalty, a desire to develop and express their own opinions, coming to terms with state oppression, and a lack of tolerance within their own social circles. "I hate Ennahda," said Messaouida, 26, in a focus group meeting in Touzeur. "It is because of my families' affiliation with this party that I lost my youth, my education, hope for a decent future." This poised, and articulate young woman caused an outcry with this statement at a gathering of Ennahda-affiliated women. A cacophony of admonitions erupted spontaneously among the focus group members: "You can't talk about Ennahda this way; don't blame Ennahda; Ennahda is not the cause of your misery; don't talk in such a disrespectful way; sit down!" This inability to tolerate divergent opinions and wanting to silence this young woman contrasted sharply with the statements from the very same women only minutes earlier, when they complained about having been deprived of freedom of expression and movement during the dictatorship. This scene illustrated the arduous process of moving from prolonged oppression to a new, unknown sphere of freedom.

Missed Opportunities

The incarceration of fathers also shaped the long-term economic options available to these children. The children of former detainees who were interviewed for this report spoke about not having finished school, because their teachers made them re-take exams and assigned them lower grades than their work merited, presumably due to their father’s status as a detainee. Some succumbed to the pressure of harassment and ridicule and left school after being made to repeat classes until they were older than anyone else in their grade but still routinely “failing” exams. As adults without a proper high school, vocational, or university degree, many could not find jobs, continuing the economic hardship they faced as children.

Sidi Bouzid, the small town in the neglected Tunisian interior where the self-immolation of Mohamed Bouazizi sparked the Arab uprising, is as dusty and depressed today as it was prior to the revolution. Lina stated, “here, everyone knows everyone, I can never be my own person. I want to leave, even migrate illegally. I want nothing more than to get out of here.” Lina epitomizes the fate of many young people in this region: a confluence of economic marginalization coupled with the long-term consequences of her father’s incarceration. When asked what weighed more on her, the lack of professional opportunities or being the daughter of a former prisoner, Lina explained that though most Tunisians her age also suffer from lack of employment, her situation was compounded by being seen as “that girl with a criminal for a father.”

Intergenerational Trauma

Many of the women who had been victimized had internalized their own status as victims to such an extent that they had transferred it to their children. Consequently, they did not want their adult-aged daughters to speak for themselves, let alone lead an independent life. On several occasions, strong forceful mothers would lament the fate of their daughters and their inability to succeed in life because they remain stigmatized, years after the revolution. In the interior regions of Tunisia, especially, memories are enduring, and attitudes change slowly. Sitting next to their mothers, daughters sat silently as their mothers spoke for them. They lowered their gaze when their mothers divulged intimate details about their body or mental state. In several cases, when speaking privately with these young women, they proved to be quite articulate. Frequently, they held views that differed from their mothers’ but said they felt the need to continue to fill the role of disempowered victim in order to justify their mothers’ lament.

Finding Their Way in the Political Realm

As adults, these children of former detainees felt a conflict between their desire to honor their parents, who had been persecuted for decades; their admiration for their parents, who stood up for their convictions; and their desire to move beyond victimhood to join the ranks of young people who dream of a society in which all members are accepted. In a personal interview, Karima noted, “I will never get involved in politics, I don’t even vote. Politics makes me afraid, I want nothing to do with it.”

The need to define their own personal beliefs continues to burden many: “When I was little, I had to defend my parents. Still today, I feel I cannot become a disappointment to them, they suffered so much. I can’t abandon them, but I feel so torn between exploring my own ideas or carve out a life of my own and being loyal to their visions.” Another respondent went even further and said, “I don’t agree at all with the political position of my parent’s party, but, out of respect for their suffering, I cannot say this to them.” Her sister added, “When I say I want freedom, I mean freedom for everyone, including, for example, gays and lesbians. My father said he wanted freedom, but, really, that was only for his positions.”

Others drew empowering lessons from their parents’ ordeal. As Nessma said: “I am the daughter of someone who believes in something and suffered for it—and survived. I know that I can stand for something and that system cannot break me. Our father did not raise us as victims. On the contrary, he encouraged us to hold our heads high.”

At the same time, Nessma admitted that her family had advantages most other families of detainees did not: “Our family was well off and prison did not diminish that significantly. I am aware that this made a big difference. When we were expelled from school, my mother was able to organize for private lessons at home.” Largely because of these educational and economic advantages, Nessma sees herself as a survivor, rather than a victim. Nessma bemoaned the fact that there was no network of daughters—or children—of former detainees. She said this was partly due to the economic disparities among them and partly due to the potential conflict between those who felt empowered to go their own way and those who felt they had to hold on to their parents’ political and religious visions.

Experiences were also different for those who are active Ennahda members today. “My father is a hero and I am proud to be his daughter. I am active in the Ennahda party in my town,” said a young woman in Monastir. She, like her fellow activists, feels surrounded by like-minded people in a close-knit community.

Still, very few of the young respondents said they had presented a dossier to the TDC and none testified orally because they felt that their parents were the primary victims.

Nidal Hlaiem who works in the Ministry of Women, Family and Children, said there has been no concerted effort to conduct systematic research about children of former detainees in Tunisia. Being one herself, she produced a report as part of her university studies. Her major finding was that this population has a “complete disdain for the state” as a result of their “precarious and catastrophic childhood circumstances.” As one example, Hlaiem cited the disconnect between what children were taught at school and the reality they experienced at home: “In school, they were taught the values of freedom of expression, they learned about citizens’ rights, the importance of participation in politics, yet their personal reality was evidence of the opposite.” She cites her father’s brief incarceration as a union activist and his successful reinsertion into society as a reason for her own decision to get involved in public life.

The gap in research on children of former political prisoners should be addressed. The findings of such research would highlight the unique demands and rights of these indirect victims, increasing the chances for their inclusion in can be included in the transitional justice process.

Female Relatives of Martyrs of the Revolution

While the majority of Tunisians rejoiced in the weeks and months after the uprising, the families of the "martyrs of the revolution" who were killed or maimed by government security forces during it remain devastated. Although this group encompasses wives, daughters, and sisters, most vocal are the mothers, who number approximately 300.

Most families of martyrs of the revolution initiated court proceedings against the perpetrators, either the police or the army, who were called in as a last resort by then-President Ben Ali in an effort to reign in the revolutionary fervor of the Tunisian population. On the front lines were young men who felt they had nothing to lose in a country that could not offer them a chance for decent livelihood.

Victims' claims were handled initially by civil courts but then handed over to military courts that to-date have neither completed investigations nor made their findings public. Military courts have not handed over documents to the TDC or a civilian court. "We told our stories already so many times," said Lamia Ferhani, sister of a martyr of the revolution and a lawyer who represents the interests of the group of mothers. She shared a little booklet, published in the wake of the revolution, that tells the stories of some of the martyrs.

Some of the mothers wear buttons with the image of their sons, others carry pictures of their murdered sons or show pictures of young men with amputated legs. "We want to know who shot our sons," said Jamila from Kasserine. Souad, from Sousse, added, "We want to know who gave the order to shoot our sons." These mothers continue to be agitated, furious that more than seven years after the revolution they still do not know all of the facts about the violations committed against their sons. They remain stuck as victims of an uprising that brought freedom, political power, and economic opportunities to some, but not to the families of those who spilled blood for this cause. "The blood of our sons is precious, it is not water," said Hayat from Gafsa. "We want a definitive list of martyrs," Hayat added.

These women, who came from various corners of Tunisia to again tell their stories for this research, recounted how President Caid Beji Essebsi invited them to the Palace of the Republic in Carthage on the fourth anniversary of the uprising. According to these distressed mothers, the president talked about two of the most prominent victims: Chokri Belaid, a lawyer and left-leaning politician assassinated on February 3, 2013; and Mohamed Brahmi, a politician assassinated on July 25, 2013.³² Yet, he had few words of comfort and no tangible promises for the grieving mothers. Comfort for them means prosecution of the perpetrators, medical care for the permanently disabled, and financial compensation in cases where the son was the main breadwinner for the family.

³² Brahmi, the founder and leader of the People's Movement, was shot and killed in July 2013, becoming the second high-profile political assassination in post-revolution Tunisia. His widow, Mbarka Aouaynia, took over his position in parliament and today feels that the government has taken no serious steps to apprehend her husband's killers. She is also critical of the TDC because, in her view, it has not insisted on collecting all documentation pertaining to her husband's assassination from authorities. She cited the Tunisian proverb "it is not enough to embrace your brother after a fight" to illustrate that reconciliation cannot be imposed from above or via an amnesty law, but that, first and foremost, victims must be heard.

5. Needs and Demands of Indirect Victims

Need for Empowerment of Indirect Victims

A pervasive sense of disempowerment, regardless of the cause, consistently came through in interviews conducted for this research. A rather fatalistic outlook on life was particularly prevalent among those women who seemed to have internalized the notion that their fate was tied to that of a man: their husband, father, brother, or son. Their life experiences consistently discouraged individual agency and initiative. Even women who took charge of all household affairs and managed to supply their incarcerated men with provisions often still saw their actions as a divinely ordained service to their male relatives, rather than an act of empowerment.³³

Such a sense of disempowerment also lies at the heart of some women’s decision not to submit a dossier to the TDC. Many have given their struggles over to higher powers, often declaring sentiments such as, “it is all in God’s hands. Only God will compensate us.”³⁴

Of course, these feelings of disempowerment are even greater for Tunisians living in areas far from the urban coastline. There, interviewees described a pervasive sense of disempowerment and a sense of being forgotten by state authorities.³⁵ As one victim from El Kef, a town close to the Algerian border, put it, “Though I no longer live in fear for speaking my mind, I ask, who in the capital hears my voice today?”

Demands for Greater Educational and Economic Opportunities

Women interviewees in the coastal cities tended to be reasonably well informed about the goals and work of the TDC and were able to articulate their grievances and expectations clearly. On the other hand, women in the remote, dusty regions beyond the urban centers often struggled to understand the basic difference between being a victim of the government’s marginalization policies and being a victim of political oppression. Hence, the testimonies of women in marginalized areas of the country revealed that their victimhood stems not necessarily from a relationship with a former detainee, but rather from high poverty, unemployment, and lack of educational opportunities that severely restrict the hopes of most Tunisians for a better life.³⁶

Women from the more marginalized/interior parts of the country, then, were ready to pin their hopes on any organization that promised relief from their misery and that of their families. In the current context, they saw the TDC as this vehicle. The TDC was supposed to hold public hearings on marginalization as a tool of political violence. Some of the women expressed that they wished the TDC would hold these hearings in concerned regions and discuss the consequences of this marginalization on the lives of women. Unfortunately, these hearings never took place.

Without exception, all women interviewed in Gafsa, Kasserine and Sidi Bouzid, Le Kef, and Tataouine said what they needed most was educational opportunities and

33 Murphy, *Women in Tunisia*.

34 This was a refrain heard in numerous interviews, especially in areas outside the urban centers.

35 Lefèvre, *Roots of Growing Unrest*, 506.

36 Drissi, *Youth Inclusion*.

work for their children. They clearly and repeatedly warned that the lack of economic opportunities for young people may eventually result in another uprising. Mothers also feared that their sons will join ISIS or some other illegal movement that promises them an income and a purpose in life. For their daughters, they feared the so-called *jihad enikah*, or sexual jihad, whereby young women go to Syria or Iraq to marry Islamist militants. Any action of the Tunisian government, or by the TDC, is unlikely to satisfy the immense expectations and demands of this marginalized population.

Women living in the poorest regions of Tunisia—the interior and the south—are at a particular disadvantage in terms of accessing services and economic opportunities. While coastal regions have received 65 percent of public investment, the center-west has remained the poorest region in terms of available public services.³⁷ Unemployment is higher for women (23.2 percent) than for men (12.5 percent), and it particularly affects those with a higher level of education (31.9 percent). “I had to sell my furniture, even our beds, in order to survive and feed my children; my roof leaks, I have four unemployed sons. What do I want from the Truth and Dignity Commission? Work!” says Saida, 51, in Tozeur, an oasis town near the Algerian border.

As previously noted, the intersection of identity-based discrimination (against Islamists, etc.) and marginalization has exacerbated economic conditions for many. An interviewee in Le Kef reported, “We had a small jewelry shop and were robbed one day. The police refused to follow up on my complaint, so I lost almost all my merchandise and consequently source of livelihood.”

It must be remembered that the causes for overthrowing the government in 2011 were primarily economic. Yet, seven years on, demands for greater economic opportunities, improved security in light of multiple terrorist attacks since 2011, the transition towards democracy, and the full restoration of human rights in the country have stretched the government to a breaking point:

The interaction between Tunisian elites and international donors has moved the country towards an economic reform program that claims to address the effects of the overreach of the authoritarian state [cronyism](#), [corruption](#), [inefficiency](#)—but does not sufficiently address the effects of its neglect. This leaves Tunisia’s government [stuck between an economic agenda focused around austerity, and domestic demands for social justice](#).³⁸

Calls for Dignity

One of the most commonly heard refrains during the 2011 uprisings was the call for dignity, *karama* in Arabic. In Tunisia, dignity commonly refers to the ability to work in order to earn an honest living, access to public education without facing discrimination based on one’s religious or political party affiliation, and the full enjoyment of all rights accorded to Tunisian citizens. Indirect victims, women in particular, suffer human rights

³⁷ In 2011, the unemployment rate for college graduates reached 37.5 percent in Gafsa and Tozeur. By 2011, production in the mining sector had dropped by approximately 73 percent due to stoppage of production, processing and transport activities following strikes, and troubles that took place in Gafsa’s mining basin. The national average rate of unemployment in 2016 was 15.6 percent, compared with 15.1 percent in 2015, despite substantial recruitment in the public sector since 2011. While the interior is disproportionately affected by economic marginalization, the tourist industry has also suffered since the revolution and subsequent terrorist attacks. African Development Bank, African Economic Outlook.

³⁸ Gallien, *Seven Years On*.

violations that can be summarized as “dignity rights,” that is, economic blacklisting, denial of due process, as well as other social and economic rights violations.³⁹ Hence, the quest for the restoration of dignity is one of the chief demands of both direct and indirect victims in Tunisia.

This restoration can be linked to the provision of reparations. One woman commented from a different angle: “Because my husband is an Islamist, I never considered that we merit financial compensation. But I think my children should have a right to live as well as those who tortured and harassed us. For their sake, I don’t feel ashamed asking for financial compensation.”

³⁹ Waltz, Linking Transitional Justice.

6. Challenges to Addressing the Experiences of Indirect Victims

Lack of Understanding of Definition of Victim

Many truth commissions have struggled to document human rights violations committed against women. This is often due to women prioritizing giving statements on the violations against their male loved ones or not coming forward due to safety concerns. The relatively low proportion of women who came forward to report abuses to the TDC may also stem from misunderstandings among the Tunisian public about how victims are defined by the transitional justice law and the TDC.

Many of the women interviewed for this research did not have a clear idea of who constitutes a victim of state-perpetrated human rights violations, on what basis individuals were called to provide their full statements through a "private hearing", and what the benefits of presenting a dossier or testifying in front of the commission were. Neither was there a clear understanding among them as to the selection criteria for the TDC's public hearings: "I presented my dossier but have never heard back from the TDC. I don't know why I was not called."

For example, women who were not in prison themselves often do not understand that they are also victims as per the transitional justice law: "I did not know that the TDC recognized me as a victim since I was not in prison." This may in part also be due to the fact that the concept of political violence is not well understood by Tunisians.

This means that a significant population of victims were invisible to the TDC.

Lack of understanding of the TDC's task was particularly prevalent among women from the Mining Basin around Gafsa, where conflicts with the state date back decades. Respondents failed to see the difference between those impoverished and excluded as a result of political activities of a family member and those impoverished and excluded as a result of larger government policies of exclusion, repression, and corruption in general,⁴⁰ which were so severe, in reality, that this region ignited the uprisings.

The fact that there was widespread misunderstanding about the work of the TDC was a particularly glaring shortcoming, given that significant funds and effort were dispensed (including by the ICTJ-funded "TJ is also for Women" campaign) to reach women, especially in marginalized regions.

Sexual Violence in the Private Sphere

The women interviewed for this research most often suffered human rights violations in private spaces, especially when their male relatives were imprisoned or absent. They were subjected to police harassment and nightly raids inside their homes, including sexual violence. Such mistreatment of women based on political and social calculations has historically been used as a weapon of war. In Muslim majority countries, as in many others, sexual violence against women can be understood as a symbolic attack on the "mother of the nation," in as much as women are seen as the guardians of family honor

⁴⁰ For further discussion, see Hamdi, S., and Weipert-Fenner, I. (October 2017). "Mobilization of the Marginalized: Unemployed activism in Tunisia." Issam Fares Institute for Public Policy and International Affairs. Retrieved from <www.aub.edu.lb/ifi>.

and identity and protectors of modesty and religious piety.⁴¹ Hence, women serve as markers of societal success or failure.

The TDC focused mostly on violence that occurred in the public sphere, which impacted what women felt they could speak about. One woman explained, “I was called to testify but could not tell the commissioners everything that happened to me, especially the sexual violence and the problems in our family as a result of my husband’s experience of torture.”

Violence that occurs in private spaces can be equally harmful and can be more difficult to address. According to Buckley-Zistel, in order to prevent sexual violence against women in the future, it is paramount to change their social position from being passive objects to active agents, in particular in times after regime change, when the future composition of society is being renegotiated.⁴²

Transitional justice can challenge conventional gender norms and thereby make a vital contribution to the construction of a more gender-egalitarian society. The transitional justice process can address the issue of how individual needs are related to collective needs. Individual grievances and resulting needs have to be recognized and addressed for the country as a whole to move forward.⁴³

However, to be clear, there are certain violations that cannot be completely repaired. If court proceedings result in the punishment of perpetrators or awarding of damages or if a truth commission leads to establishing a collective memory and therefore vindicating victims, it might ease some of the pain for victims; yet, deep personal pain and needs remain. Neither the revolution nor the subsequent transitional justice process, including the TD, can bring about an ultimate end to some forms of suffering.

41 Buckley-Zistel, S. (2013). Redressing sexual violence in transitional justice and the labeling of women as ‘victims.’ In T. Bonacker and C. Safferling (Eds.), *The Victims in Transitional Justice* (92). Hague: T.M.C. Asser Press.

42 Buckley-Zistel, *ibid*

43 For more information, see: Bennoune, *Système Dégagé*, 106, 502-505; Björkdahl and Mannegren Selimovic, *Advancing Women*; Georgetown Institute for Women, Peace and Security, *Inclusive Justice*; Hamber, *Crack in Everything*; Porter, *Gendered Narratives*.

Continuing Schisms Today: Confessional and Urban-Rural Divides

Lack of solidarity among women is a major obstacle in the transitional justice process. The schism between more secular-minded city dwellers and more Islamist-inclined, rural populations in Tunisia endures today, with serious consequences for victims' solidarity and social repair. Focus groups convened for this report showed a clear urban-rural divide. In marginalized towns like Sidi Bouzid, Tozeur, Gafsa, Kasserine and others, secular-minded women acknowledged that Ennahda-affiliated women and women who wore the hijab suffered disproportionately and therefore merited some form of compensation from the state. In Kasserine, for example, Bouchra asserted, "Look at these women, they were no threat to the state, not back then and not now. They should never have been persecuted so severely and certainly not their children."

Yet, the tone was noticeably different in urban centers such as Tunis, Sfax, and Monastir, where secular-minded women asserted that those wearing the hijab knew that they did not comply with the Circular and therefore should not have been surprised at being pursued by authorities. This attitude, as well as the state's actual targeting of women, contradicts the Tunisian Constitutions of 1954 and 2014, which guarantee freedom of belief.⁴⁴

Political opponents, like Ennahda members in particular, but also Youssofites, were successfully portrayed by successive regimes and frequently also by urban, secular women's rights associations as posing threats to progress, women's rights, and state security; thus, justifying the need to ban them from public life and even imprison them. For instance, despite the testimony of victims at televised public hearings, which had so much of the nation glued to their TV sets, some Tunisians tend to doubt the testimonies of those with whom they disagree ideologically. Said one respondent in Gafsa: "Islamist women just want to profit from the transitional justice process. They are not simply innocent relatives. By wearing the headscarf, they took a public stance and should have foreseen the consequences."

Regardless of the side on which anyone stood during the time of the dictatorship, these are challenges all Tunisians face. They must confront and reconcile their differences when, for decades, they had been indoctrinated to think of themselves as one people.

The bridging of these divides could be an important task for the institutions in Tunisia mandated to seek truth, justice, and reform for victims and society at large by bringing to light the groups who were especially targeted for rights violations.

⁴⁴ Tunisian Constitution of 2014, Article 6: "The state is the guardian of religion. It guarantees freedom of conscience and belief, the free exercise of religious practices and the neutrality of mosques and places of worship from all partisan instrumentalisation. The state undertakes to disseminate the values of moderation and tolerance and the protection of the sacred, and the prohibition of all violations thereof. It undertakes equally to prohibit and fight against calls for Takfir and the incitement of violence and hatred."

Conclusion

The families of political detainees in Tunisia have suffered the effects of state-sponsored persecution for generations. A society in which most members have lived in fear of the state and fear of betrayal by family members, neighbors, and the community cannot embark on a smooth transition to democracy and peace without doing the necessary work to address the past. Human rights violations and their long-term consequences must be uncovered, and grievances must be addressed for a process of healing to occur. In addition to the TDC, this process of healing can be supported via other official transitional justice efforts such as specialized chambers, reparations policies, or institutional reform initiatives, as well as more localized efforts of coming to terms with a torturous past.

The women interviewed for this report spoke about the consequences of the persecution they experienced. These impacts did not exist in the short-term only; they continue to shape their lives today. These women and their children faced their own form of imprisonment through actions taken by schools, employers, and community members to isolate them. While poverty is a reality for many Tunisians, this condition was particularly exacerbated for wives whose husbands had been imprisoned. Blacklisting them for employment and education robbed them and their children of opportunities to become economically secure. Harassment by the police and prison officials created a pervasive sense of fear, distrust, and even existential insecurity.

Tunisia’s transition to democracy requires that citizens have confidence in the state, which, as hundreds of interviews conducted for this research revealed, is currently low or nonexistent among indirect victims. Transitional justice measures can help foster this confidence if they themselves are trustworthy and transparent.

Unfortunately, the TDC’s goals and the scope of its mandate have been misunderstood or not understood at all by indirect victims and society at large. The commission has been frequently perceived either as aloof or preoccupied with its own internal conflicts. Victims demonstrated goodwill and a measure of hope by submitting their dossiers and testifying orally before the TDC, but, as the women interviewed for this research reported, they have felt neglected since then. Autocratic structures appear to remain in place, even if populated with different individuals. The TDC has not been perceived as a transparent, flexible, or vibrant example of a changing Tunisia.

The other existing transitional justice efforts, such as the Specialized Chambers and the yet to be established Dignity Fund, should learn from the TDC’s mistakes. For the country’s transitional justice process to be successful, better communication with indirect victims and the larger Tunisian public regarding the purpose and goals of each of these measures is required. Along the same lines, managing expectations among victims is equally important.

The meaningful participation of indirect victims in these processes is critical to ensuring their experiences are recognized; however, this study demonstrates that they have specific needs that also must be addressed. There is a continued and pervasive sense of disempowerment among indirect victims. Respondents asserted that the gains of the revolution have gone only to a select minority of Tunisians, while the lives of the majority of the population have not significantly improved. The recommendations of the

TDC and future reparations program must take into account the impact of repression on the educational and employment opportunities of indirect victims. Another aspect that needs to be addressed is their emotional and physical wellbeing. The systematic repressive tactics of authoritarianism caused long-term harm to the families of indirect victims. The willful damage and destruction of these families requires professional intervention in order to restore healthy relationships.

The participants in this study were chosen because they were indirect victims, but their experiences are also rooted in the status of women in Tunisian society. Despite the work of the TDC’s Women’s Committee and the commission’s focus on female victims, there is little evidence that gender norms are changing in Tunisia. Certainly, seven years is far too little time for substantive, sustained changes to take hold in the country. However, the work of Tunisia’s transitional justice mechanisms has the potential to challenge conventional gender norms and thereby make a vital contribution to the building of a more gender-egalitarian society.⁴⁵ Ideally, the transitional justice process should lead to a changed understanding of citizens’ rights and, by extension, gender norms.

Transitional justice needs to be restorative; it cannot merely address offenses against individuals, it must also deal with systematic human rights violations of the type that the state used to divide families and communities for decades. In addressing past atrocities, the TDC and post-TDC institutions that are still to be established or commence operations could take a leading role in demonstrating that each individual’s experience of victimization is taken seriously, and that individual agency is welcome, encouraged, and necessary for the transitional justice process to be successful. If this is communicated to victims, particularly women victims who have not felt like part of the process so far, it could serve as a foundation for restoring their trust in the government and larger society and ultimately cultivate greater hope and agency for them to define their future.

45 Gray and Coonan, *Reframing Gender Narratives*, 103–122.

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