

**GENDER SENSITIVITY IN TRUTH COMMISSIONS:
WOMEN AND INCLUSIVE “TRUTHS” IN TUNISIA’S TRUTH AND
DIGNITY COMMISSION**

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Abstract

This thesis aims at assessing the role played by women in advocating for a gender-sensitive approach in Tunisia's Truth and Dignity Commission (TDC) and critically examining the implications of such an approach on the involved women's political empowerment. It attempts to answer the following main research question: *why is the gender sensitive approach implemented in Tunisia's Truth and Dignity considered to be a crucial stepping stone for the involved Women's Political Empowerment?* The thesis is mainly based on the analyzed data collected from twelve in-depth interviews with three groups of women who were involved with the TDC: commissioners in the TDC, members of civil society and international organizations in Tunisia, and victims and victim leaders. This research borrows the main themes of V-Dem's Women's Political Empowerment Index: choice, agency and participation. The indicators are used to analyze the interviews in order to explore the implications of the TDC's gender-sensitive approach on the involved women's political empowerment. The study's main conclusions are that: 1) gender sensitization measures in the TDC set the stage for involved women's political empowerment as women's particularities were woven into the newly drafted Transitional Justice Law and reflected in special accessibility and confidentiality procedures that were made by women for women; 2) women from the three groups played key roles in the realization of gender-sensitivity in the commission despite the limitations they faced within the TDC and from the political system; 3) the gender-sensitive approach advocated by women in Tunisia's TDC had positive implications on Women's Political Empowerment on the short-run, which was reflected in the information collected from the interviews.

For Mohamed Yamani

Thanks for always believing in me.

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List of Abbreviations

CSOs	Civil Society Organizations
ICTJ	International Center for Transitional Justice
IOs	International Organizations
TDC	Truth and Dignity Commission
TJ	Transitional Justice
UN Women	United Nations Women
V-Dem Index	Varieties of Democracy Index
WPE	Women's Political Empowerment

Introductory Chapter

1.1. Introduction

The Arab Spring was sparked by a Tunisian citizen, Mohamed Bouazizi, setting himself on fire in protest against the regime's systematic police coercion and corruption (Abouaoun, 2019). As Tunisia was the first country in the Arab States to start the chain of protests, it was also at the forefront of the efforts to ensuring a smooth transitional period from a past that was characterized by injustices, corruption and inequality to a future that holds promise and hope for Tunisian citizens through fair laws, efficient institutions, gender equality and substantive democratic rule. In order to smoothly transition into a stable and substantively democratic society, Tunisia's interim government saw the need to address the crimes of the pre-Arab Spring Regimes and the grievances of the Tunisian citizens who fell victims to harsh administrative control and mass human rights violations; thus, on the 23rd of October 2011, the interim government elected members for the National Constituent Assembly who were given the task of drafting a new constitution for Tunisia that fosters respect for the citizens' human rights and equality of all before the law (Varney & Zdunczyk, 2017, p.1). What makes the Tunisian experience a unique and interesting one is its attempt at a comprehensive and gender-sensitive¹ approach to TJ². Although it is still too early to

¹ Gender-sensitivity in TJ (also referred to as gendering TJ) is an approach that identifies the issue of the exclusion of gender-related considerations in TJ. Gendering TJ could, however, be a tricky process as with overfocusing on sexual violence and gender-based crimes and incorporation them into TJ mechanisms, it could lead to women being redirected to passive victims (Buckley-Zistel & Zolkos, 2012, p.10). Thus, it is important to include women in decision-making positions in TJ mechanisms.

² TJ is an approach that addresses systematic mass human rights violations that were directed at victims of previous political regimes or conflicts with the goal of providing them with redress as well as paving the way for transformation of old structures. TJ encompasses various elements that complement each other, including: truth commissions, reparations programs, memorialization efforts, tribunals, security system reforms and criminal prosecutions (UN, 2008). TJ is concerned with past, present and future as it deals with past human rights violations, with the present as it builds the foundation of post-authoritarian/conflict institutions and legal frameworks and with

celebrate the success of TJ mechanisms or doom them as failures as the reparations are yet to be given to the victims who are eligible, this thesis attempts to assess the role played by women³ in Tunisia's Truth and Dignity Commission⁴ (TDC) and whether their role as active players contributed to their political empowerment or not.

In Post-Jasmin Revolution⁵ Tunisia, women have actively participated in shaping the TJ law as well as pushing for accommodating women's particular needs; although neither perfectly nor without bypassing barriers and struggles to do so, their efforts were loud and clear. Tunisia has stood out among the post-Arab Spring countries as the most progressive in terms of gender equality and women inclusiveness in the social and political spheres, including CSOs, the parliament and the cabinet (Charrad & Zarrugh, 2013). Although it is too early to judge the long-term implications of the gender-sensitive approach of the TDC, the short-term consequences reflect positive results in terms of the boost in Women's Political Empowerment (WPE) and consolidation of their rights and liberties (Zaki, 2018). This thesis focuses on the human aspect of the TJ process in Tunisia with specific focus on the experiences of the women who contributed to the TDC; this includes: 1) women who participated in the technical committee⁶ that shaped and designed the TJ law in Tunisia in the early stages of the TJ period who pushed for gender-sensitivity, 2) the women who

the future as it addresses the root causes of past conflicts in order to prevent them from recurring in the future (Buckley-Zistel & Zolkos, 2012, p.2).

³ Commissioners in the TDC, members of CSOs and IOs, and victims and victim leaders who advocated for gender-sensitivity and sought unspoken truths or, in the case of victims, who were brave enough to come forward and send their files to the TDC.

⁴ Tunisia's Truth and Dignity was established in 2013 post-Jasmin Revolution to investigate gross human rights violations that were committed by the Tunisian State since 1955 and to offer rehabilitation and reparation to the victims of such gross human rights violations and their families.

⁵ The Jasmin Revolution started in December 2010 and succeeded in ousting former president Zine al-Abidine Ben Ali from power after 28 days of popular uprising and civil resistance against the corruption of the regime and brutality of the police. It was the first of a series of Arab Spring Revolutions in Arab Countries in the Middle East.

⁶ This Technical Committee that was responsible for drafting the TJ Law in Tunisia was constituted of 10 civil society members; only 3 of whom were women.

were commissioners in the TDC and pushed for the acknowledgement of women's particular needs, victim leaders who exerted massive efforts to encourage other women who were directly or indirectly subjected to human rights violations and their implications by the previous regimes, and 3) victims who were brave and aware enough to come forward and share their truths and experiences, exemplifying empowerment through this act and setting an example to others who could be encouraged by their bravery and awareness. Accordingly, I focus on the importance of the gender-sensitive approach that was advocated by women for women in Tunisia's TDC and explore its implications on their political empowerment. After interviewing twelve women belonging to the three groups mentioned above, it was evident that their involvement with the TDC and the gender sensitization measures that were put in place have positively contributed to their political empowerment.

1.2. Research Questions

The thesis attempts to explore the role of women in Post-Jasmin Revolution Tunisia in shaping the TJ law as well as holding positions of decision-making and influence in the TJ mechanism of the TDC⁷, showing how women's push for an inclusive and gender-sensitive approach to TJ was achieved and translated into the political empowerment of those women.

The thesis aims at answering the following key research question:

Why is the gender sensitive approach to Transitional Justice implemented in Tunisia's Truth and Dignity considered to be a crucial stepping stone for the involved Women's Political Empowerment?

⁷ The official website of the TDC contains information about the commission and all the reports: <http://www.ivd.tn/?lang=en>

Which could be broken down into the following sub-questions:

- a. How can gender-sensitivity in the TJ process lead to Women's Political Empowerment?
- b. Why was the role played by women commissioners, victim leaders, and women-led CSOs and international organizations in Tunisia crucial for ensuring a gender-sensitive approach in the TDC?
- c. To what extent can the Tunisian case be considered a success in terms of gender-sensitivity in the TDC on the involved Women's Political Empowerment on the short-run?

1.3. Research Design

This thesis is divided into 5 chapters: 1) The introductory chapter provides a brief background about the theory of gender balancing and, the focal point of this research, the TDC. In this chapter I present my main and sub- research questions as well as the indicators of WPE that I will be applying to the Tunisian case to assess my findings. Finally, this chapter situates the TJ experience of Tunisia within international context, briefly showcasing other countries' experiences in shedding light on the importance of gender sensitivity and WPE. 2) The theoretical chapter explores the gender mainstreaming and gender balancing approaches of ensuring gender-sensitivity, lays out the theoretical underpinnings of truth commissions as TJ mechanisms and explores WPE providing and explaining the list of indicators that would be used in this thesis. 3) The contextual chapter briefly explains the context in Tunisia, highlighting the history of dictatorship and human rights violations that urged for TJ to take place. This chapter also explores the framework of gender in TJ with focus on the United Nations' Resolutions and Principles as well as mainstream gender in TJ scholarship and literature. 4) The methodological chapter

provides a detailed explanation of my epistemological position, highlighting my rationale behind interviewing women from the three groups and why I preferred to keep their identities known; it further justifies the reasons behind my focus on women when speaking about gender-sensitivity in the TDC. From here, I justify my methodological choices of conducting and analyzing interviews in the format that I do. In this chapter, I also highlight the issue of intersectionality when it comes to the victims I have interviewed. 5) Finally, the findings chapter applies the indicators of WPE as well as the theory of gender balancing to the critical qualitative data collected from the interviews and the review of literature review. The findings show that women played a primary role in realizing gender-sensitivity in the commission from the very beginning during the drafting of the TJ Law in Tunisia; that gender-sensitive measures implemented in the commission coupled with civil society organizations (CSOs) and international organizations (IOs) and victim leaders' efforts to raise awareness, build capacity and monitor the TDC's performance did increase women victims' participation in the TDC from 5% to 23%; that the women who were interviewed have experienced at least one aspect of political empowerment; finally, that despite of Tunisia's TDC's limitations and shortcomings, it has on a short-term limited scale proven to be a success when it comes to politically empowering women who were involved with it.

1.4. The Tunisian Experience in Broader Perspective

WPE in the modern day comes in many shapes and forms. Feminism is shapeshifting and uniting women whom at first glance could seem like they belong to different worlds. In the case of Tunisia's TJ processes, women have played an active role at the forefront calling for a gender-sensitive and inclusive process that acknowledges the needs and particularities of Tunisian women who were subjected to mass human rights violations between the period of July 1955 and December 2013. The efforts played by the Tunisian women who contributed to the gender

sensitization of the TJ can also be situated in broader international perspective in relation to efforts carried out in Argentina⁸, Mexico and worldwide via the internet. For instance, the #NiUnaMenos campaign in Argentina which translates into “not one less” started in Argentina on the internet as a hashtag before it quickly materialized into widespread protests across Latin America against gender-based violence that helped move the issue of gender particularities to the top of the political agenda in Argentina (Alcoba & McGowan, 2020). Another example of women advocating for gender sensitivity and women empowerment can be drawn from Mexico’s Women of Atenco who took their complaints against the Mexican police for sexual torture and testified in front of the Inter-American Court for Human Rights setting an example for other women in Mexico and beyond to take initiative and not remain quiet (Olivares, 2017; Muñoz, 2019). Moreover, a look at the MENA region also shows that the Moroccan experience of TJ was one characterized by women playing the roles of agents of change rather than merely victims; Moroccan women have also mobilized and politically participated, especially the mothers and family members of victims played an important role in the political sphere (ICTJ, 2011, p.13). Thus, the efforts played by women in Tunisia should not be viewed in isolation, but rather as part of a worldwide feminist awakening and call for gender inclusiveness.

1.5. Transitional Justice Framework

In this section, I outline the framework through which the thesis explores the role of women in the TDC in Tunisia. The United Nations’ recommendations regarding gender sensitive TJ are exemplified through multiple resolutions, good practice guides and principles. I focus on the

⁸ For instance, Madres de Plaza de Mayo (a group of mothers and human rights activists in Argentina) stood up against the disappearances of their children who were either detailed illegally, killed, tortured or kidnapped at the hands of the state. Their social movement has had far-reaching visibility within and beyond Latin America due to its peaceful yet highly visible civil disobedience methods (Bosco, 2006, p.344).

following selection as it best fits my research scope and the Tunisian context: firstly, the United Nations Security Council's (2000, p.3) Resolution 1325, which calls "on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction." This resolution is important because it addresses the particularities of women and their special needs. Secondly, the United Nations Security Council's (2013) Resolution 2122, which "stresses the need for continued efforts to address obstacles in women's access to justice in conflict and post-conflict settings, including through gender-responsive legal, judicial and security sector reform and other mechanisms." This resolution is extremely important as it addresses women's access to justice and highlights the importance of gender-sensitivity. Finally, the United Nations Principles on Reparations, which sheds light on the notion of restitution, which very frequently came up in my interviews with victims of previous regimes.

Another important framework to address the topic through is that of the "history of double marginalization" of women in TJ as they are marginalized twice; once for being victims of the previous regimes and another time for being women (Rubio-Marín, 2006, p.22). This is an intersectionality that Tunisian women face due to their identities; this is also the among the reasons why I chose to focus on women in my research and not the broader notion of gender which encompasses various categories. Moreover, the reason why I decided to incorporate victims and victim leaders into my research is because, according to Rubio-Marín (2006, p.22-23), there is a tendency in the field of TJ to overfocus on the perpetrators rather than the victims, and especially women victims; this is why I focus on the truth commissions as they provide a channel for victims to voice their truths. I consider the TDC as the focal point of my research. Hence, it is important

to explain what truth commissions are and how they serve victims and society as a whole. Governments of states with legacies of authoritarian rule that was characterized by mass human rights abuses which continue to torment the citizens have a choice to make between dealing with those past legacies and addressing the grievances of its citizens (Sarkin & Ackermann, 2019, p.463), or burying the past and move forward without reopening the wounds of the victims (Hayner, 2011, p.8).

Truth commissions⁹ are characterized by a duality as they are attempting to address the past while at the same time attempting to positively shape the future institutions. They are both simultaneously past and forward-looking (Sarkin & Ackermann, 2019, p. 466). In fulfilling their task of fact-finding and truth-telling, truth commissions also free the population in general and the victims of past abuses in specific from silence and denial. Hayner further adds that the truth commissions' limitation of lacking legal powers over perpetrators is in fact a benefit as it allows them to hold deeper and lengthier investigations to unravel truths with more flexibility (p.13), which in turn could lead to a more inclusive, comprehensive and accurate understanding of the victims' narratives. This thesis will adopt Hayner's (2011, p.11-12) revised definition of a Truth Commission, which defines it as follows: "a truth commission

1. is focused on past, rather than ongoing events;

⁹ Truth commissions can have an empowering effect on victims through giving them a channel to voice their grievances and experiences in a safe environment where they could be heard, helping society establish a new system based on acknowledgement and understanding of the past and how it ought to differ from what is to come after the transition, ensuring that past wrong doers are identified and held accountable after listening to the "truths" of the victims, incorporating a citizen-centered approach that respects human rights to the future institutions, and fostering conditions for a smooth transition to democracy (Frederking, 2015, p.1). Truth commissions do not have to achieve all the above-mentioned goals to succeed, but rather the fact that they are established a mechanism to respect, dignify and empower the victims and their experiences is a good starting point regardless of whether it actually results in holding perpetrators accountable or not.

2. investigates a pattern of events that took place over a period of time;
3. engages directly and broadly with the affected population, gathering information on their experiences;
4. is a temporary body, with the aim of concluding with a final report; and
5. is officially authorized or empowered by the state under review.”

It should also be noted that truth commissions’ success is not guaranteed¹⁰ and that there are various national-context dependent impeding factors that could stand as barriers in the face of its success, including inconsistency in achieving goals, incompleteness of a final report, failure to attract victims to share their truths (Hayner, 2011, p.12).

¹⁰ Yet, despite the lack of guarantees, truth commissions present a good alternative as they hold therapeutic value for the victims that do come forward as they empower them to speak up about their grievances and abuse, which is something that cannot be achieved in tribunals for instance. Not only do truth commissions provide a channel for victims to be heard, but they also provide a chance for victims to shape the institutions that ought to be created post the transition, facilitating prospects for political and cultural changes (Frederking, 2015, p.4).

Theoretical Chapter

Before addressing the reasons behind the need for and the technicalities of the implementation of a gender-sensitive approach, it is important to start this chapter with an explanation of the gendered underpinnings of TJ as a field in general and TJ mechanisms in specific. According to Ní Aolain (2012, p.209), “the field was predominantly male in composition and masculine in its articulations.” She argues that women’s involvement in the field started as part of a “politics of presence” with the aim of making women’s unique and gendered experiences acknowledged and seen as opposed to the universalist experience (p.209). Yet, the scholarship on TJ evolved over time and started to address the gendered nature of conflict that, in turn, required to acknowledge its gendered impacts and include gender as a cross-cutting theme in the TJ process (Democratic Progress Institute, 2015, p.14, 26). Most importantly, in the post-conflict period, the way in which the ideas around gender are constructed and re-constructed can have implications on the gendered impact of conflict, meaning that such constructed and re-constructed ideas of gender can either reinforce the previous and embedded gender roles or move forward and provide the space and opportunity for change (p.15).

According to the Democratic Peace Institutions (2011, p.26), although the field of TJ has been unevenly dominated by men, overtime, it becomes intuitive for practitioners and scholars in the field to acknowledge that as there are gendered effects of conflict this should also be reflected in TJ mechanisms while addressing such different experiences¹¹. It is of utter importance to engage

¹¹ When conceptualizing TJ mechanisms, it is crucial to acknowledge the wide array of concerns they deal with, including normative, legal and political ones, as well as the different needs and interests of the involved stakeholders (Sarkin & Ackermann, 2019, p.465). Therefore, when approaching truth commissions, governments must be aware of the gendered impacts of past human rights abuses on women and girls as opposed to other victims, which, thus,

in gender mainstreaming in TJ mechanisms because TJ is not merely concerned with redressing victims' violations but also addressing the context within which they happened. Thus, it is crucial to ensure that TJ mechanisms are inclusive because women, both as objects and subjects of TJ mechanisms have different experiences, interests and needs to bring to the table (p.28).

2.1. Gender Sensitivity

Gender Balancing is concerned with creating gender-focused committees within the commission that is responsible for ensuring that gender is a cross-cutting theme within all the processes and activities of the truth commission (Sarkin & Ackermann, 2019, p.477). Gender Mainstreaming treats gender as a cross-cutting theme in all of truth commission's processes; this means that gender is considered from the very start when the mandate of the commission is being designed, when the staff is being recruited, when the testimony/truth-telling sessions are being held, and to the very end of the process when the final report is being written and recommendations are generated (Sarkin & Ackermann, 2019, p.477). In order to mainstream gender throughout the processes of TJ mechanisms, the implications of any and all planned actions (such as legislations, policies or programs that are to be proposed and/or implemented) on all levels (both informal and formal) in order to ensure that both women and men are able to equally benefit from the efforts of the mechanisms and to stop the vicious cycle of gender inequality (Democratic Progress Institute, 2015, p.26). It is of extreme importance to clearly operationalize gender mainstreaming in all official documents in the TJ mechanisms with a focus on truth commission mechanism.

means that these women and girls would have different needs and interests that should be tailored to their specific experiences (p.465-466). A recurrent theme across post-conflict and transitional societies is one where women are excluded and marginalized from TJ and/or post-conflict reconstruction. This is a dire issue that ought to receive the attention of truth commission when designing, establishing and implementing the commissions (p.466).

It is not enough to indirectly or unintentionally tackle gender in official documents and formal mandates; rather, the needs and experiences of both women and men should be equally taken into consideration (p.29). In order to properly operationalize gender mainstreaming in Truth Commissions, it is important to identify the gendered nature of the violations experienced by victims and to keep this in mind from the very beginning when drafting and designing the mandate, which lays out the procedural and organizational protocol of the Truth Commission. This is how gender mainstreaming can be operationalized from the very beginning (p.31). However, an issue that might arise in the face of such a gender-sensitive approach could be an issue of design: do the people responsible for drafting the mandate and designing the Truth Commission want to adopt a culturally relative approach to TJ as opposed to a universalistic one? If so, what does that mean for gender inequality and specifically the issues of women?

Tunisia's Truth and Dignity was established in 2013 post-Jasmin Revolution to investigate gross human rights violations that were committed by the Tunisian State since 1955 and to offer rehabilitation and reparation to the victims of such gross human rights violations and their families. In some cases, those in charge of drafting mandates are afraid of being seen by the public as promoting Western Values and, thus, could tend to adopt culturally sensitive approaches that reinforce gender injustices (Stewart, 2013). Another issue with addressing the structural gendered inequalities in the TJ mechanisms, specifically those towards women, is that compromises have to be made for and by men, which could later on backlash with negative effects on women (Schulz, 2020, p.698). That said, however, I believe that not all culturally sensitive or more precisely national-context sensitive approaches to TJ ignore the cross-cutting gender aspect. Although compromises could backlash, if gender mainstreaming is operationalized properly, such tensions and issues could be, not necessarily avoided, but at least contained. I believe that Tunisia's TDC

shows aspects of both how the national-context sensitive approach hindered as well as fostered gender mainstreaming. Specifically, the role played and efforts exerted by the women who contributed to the drafting and designing of the bill in the early stages through the technical commission and their experiences in doing so reflects how this dual relationship existed.

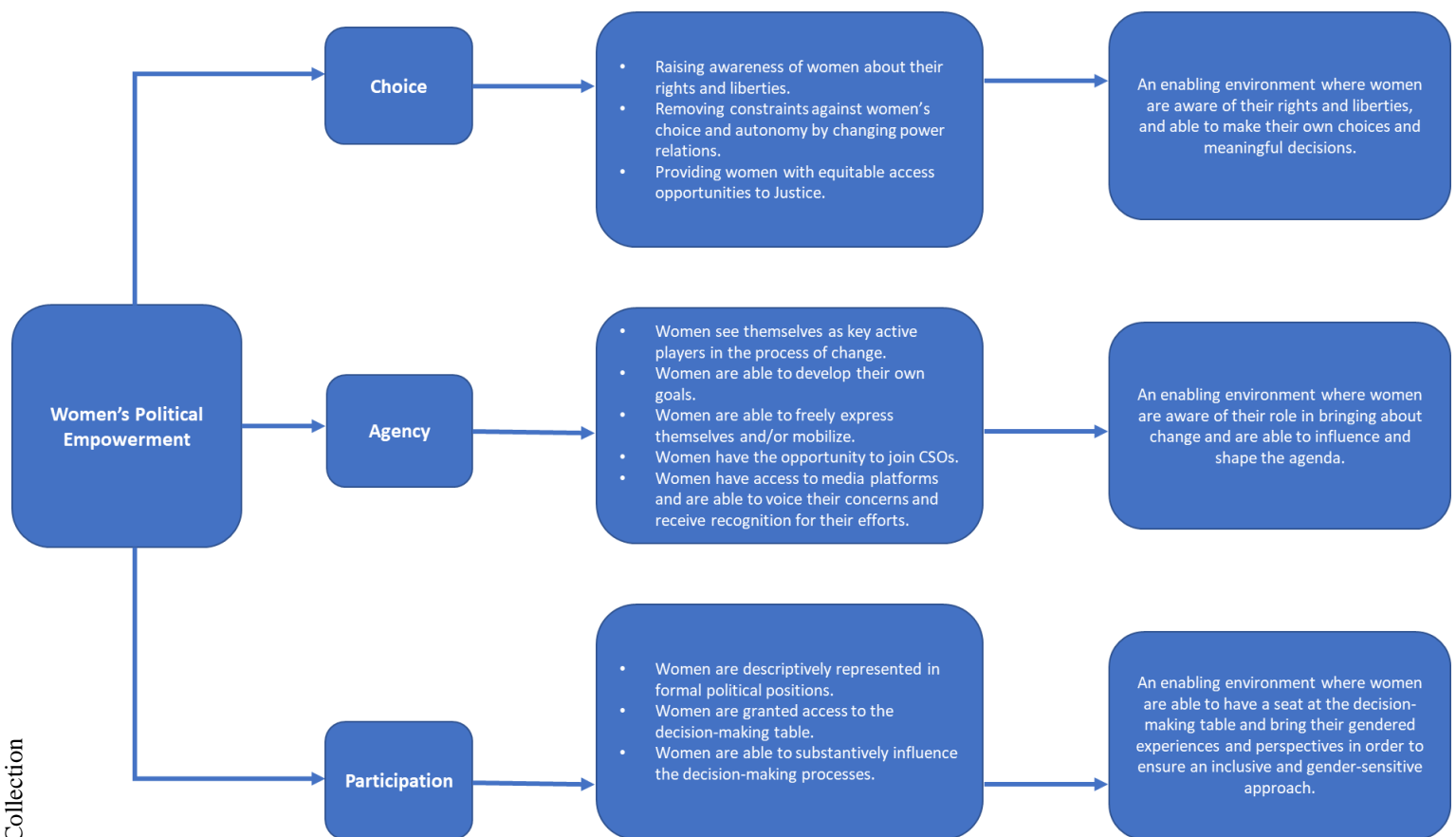
2.2. Women's Political Empowerment

The final and key concept of WPE is of utmost importance in this thesis as the analysis of the case study of Tunisia's TDC will be based on the definition and operationalization of this concept. Before discussing how I will define and operationalize WPE in this thesis, I want to explain why I specifically chose to explore this angle of WPE during the period of and in relation to the mechanisms of TJ, specifically truth commissions. TJ aims at addressing and recognizing the past systematic mass human rights violations in order to dignify victims and to seek truth. In doing so, the mechanisms used and implemented in this transitional period aim at promoting peace, establishing substantive democracy and fostering reconciliation between and within society and the government (UN, 2008). In addressing the past violations and seeking truths, truth commissions can offer women with a platform of political empowerment in many different senses. Thus, I chose to approach the assessment of truth commissions through a gender angle with special focus on the political empowerment of women because it can be considered as a main precondition for democratization and development (Dieleman & Andersson, 2016, p.1).

For WPE, I adopt the definition endorsed by Sundstrom et al. (2015, p.4), which defines it as, "a process of increasing capacity for women, leading to greater choice, agency, and participation in societal decision making." I use this definition because it contains the three main dimensions of choice, agency and participation which will serve as the basic three pillars for the

operationalization of the concept and are suitable to the national context of women involved with the TDC in Tunisia. I do not, however, adopt Sundstrom et al.'s exact indicators, but only the main themes and specific aspects that are relevant to my analysis. Borrowing the main themes of the V-Dem WPE Index developed by Sundstrom et al., I outline below the indicators I will use to assess the impact of the gender-sensitive approach of the TDC on WPE in Tunisia. As shown in **figure 1**, I measure WPE according to the following main indicators:

Figure 1: Measuring WPE



2.2.1. Women's Choice

In the first indicator, I borrow the following aspects from the V-Dem model: the focus here is on the women's ability to make informed choices regarding her life affairs, highlighting how women

are aware of the rights and liberties that they are entitled to as citizens (following a human rights discourse). Women are not constrained by either cultural or legal barriers that are hampering their ability to choose freely and be able to take and implement decisions. Women are neither constrained in the public or private spheres, meaning that empowerment and removal of constraints is comprehensive of their domestic relations in their households. Another aspect highlighted by V-Dem is women's access to justice. I do not approach the aspect of access to justice from the same angle that the V-Dem index does, which is in regards to rights to hold property and an equal share to inheritance; these are of course important dimensions, but in the context of my thesis, they are irrelevant as I am not assessing the general impact of WPE, but rather the specific impact of gender sensitivity in the TDC. For this purpose, I approach access to justice in terms of enabling women to send their files, share their truths and testify in the hearing sessions through having special measures that ensure their equitable participation without fear of cultural or legal constraints.

Furthermore, I will follow the below criteria in order to assess the first-hand data I receive from the interviews as well as to evaluate the data available in the TDC's progress and final reports:

- Raising awareness of women about their rights and liberties.
- Removing constraints against women's choice and autonomy by changing power relations.
- Providing women with equitable access opportunities to Justice.

2.2.2. Women's Agency:

In the second indicator, I follow V-Dem's focus on women as significant key players in the process of bringing about change. Here, women are regarded as active agents playing a main role in changing their own realities and empowering one another and while doing so, empowering themselves as well. Women are able to set their goals and have the power to voice these goals. Of

course, the gendered power relations that characterize both the private and public sphere still do act as constraints, but the women's collective organizations and agency helps them make an impact and influence the political agenda. This indicator highlights women's ability to use their newly discovered agency towards setting their goals, freely discussing and mobilizing, joining CSOs and even seeking media attention and recognition of efforts and goals.

In the V-Dem indicator, there is mention of women being "represented in the ranks of journalists"; however, I alter this to fit the context of Tunisia by focusing on the media recognition sought through publications, interviews, publicity and visibility and collective projects instead. Furthermore, I will follow the below criteria in order to assess the first-hand data I receive from the interviews as well as to evaluate the data available in the TDC's progress and final reports:

- Women see themselves as key active players in the process of change.
- Women are able to develop their own goals.
- Women are able to freely express themselves and/or mobilize.
- Women have the opportunity to join CSOs.
- Women have access to media platforms and are able to voice their concerns and receive recognition for their efforts.

2.2.3. Women's Participation:

In the third indicator, I follow the V-Dem model in terms of focusing on the descriptive (numerical) representation of women in the political arena. The original index focuses on the sufficient numbers and descriptive presence of women in formal political positions and their share in formal political power. However, I add to this the substantive representation aspect as I believe that numbers on paper are not enough to be reflected in substantive, influential and representative

participation of women. The presence of women is of course essential as they bring their lived experiences and different perspectives to the table, but it is also essential to ensure that women are empowered and that their voices are heard; the ability of women to influence the decision-making process through their formal participation in politics. Also, I will approach this indicator from an additional angle, which is the victim and victim leader's participation in the TDC; not only in terms of numbers, but in terms of impact.

Furthermore, I will follow the below criteria in order to assess the first-hand data I receive from the interviews as well as to evaluate the data available in the TDC's progress and final reports:

- Women are descriptively represented in formal political positions.
- Women are granted access to the decision-making table.
- Women are able to substantively influence the decision-making processes.

Figure 2 provides a summary of the main criteria under each theme tailored to the context of Tunisia's TDC. Moreover, it is important to note that the three above mentioned themes and indicators are all interlinked in that choice, agency and participations affect and are affected by each other. In the specific context of Tunisia's TDC, these three indicators are interlinked in that they all foster an enabling environment for women to be aware of their rights and liberties, which empowers them to make their own meaningful choices and decisions. In turn, women start using their rights and voices to exert their collective agency and to bring about a change while seeking public recognition and further raising awareness of others about their demands and experiences. This agency is supported when the same or other women hold formal power positions and are involved in the decision-making process who are able to shed light on and represent the needs, experiences and particularities of women's approach to politics.

Figure 2: WPE Tunisia-specific Criteria

Choice
<ul style="list-style-type: none">• Direct and indirect women victims of human rights violations between July 1955 and December 2013 are aware of their rights and liberties.• Cultural and legal constraints hampering women victims from testifying and sharing their truths in the Truth and Dignity Commission are removed.• Women are provided with measures to ensure their safety and confidentiality to ensure they are provided with a more equitable access opportunity to the Truth and Dignity Commission should they make the choice to share their truths and seek justice.
Agency
<ul style="list-style-type: none">• Civil society activists, victims and members of the Truth and Dignity Commission develop a sense of agency and view themselves as active players in the transitional justice process. (i.e.. Victims no longer identify merely as passive victims, but as active change makers).• Women who are directly or indirectly involved with the Truth and Dignity Commission are able to set their own goals, communicate these goals with others, mobilize to take collective action and express themselves freely.• Women who are directly or indirectly involved with the Truth and Dignity Commission have access to and support from media platforms through which they are able to raise awareness as well as seek recognition for their efforts.
Participation
<ul style="list-style-type: none">• Women are formally represented in the designing and formulation of the Truth and Dignity Commission from the very beginning when the bill is drafted till the very end when the final reports are formulated.• Women are granted access to the decision-making processes within the Truth and Dignity Commission not only in terms of descriptive presence, but also in terms of having substantive impact through ensuring the design and sustaining the implementation of an inclusive gender-sensitive approach.

Contextual Chapter

Tunisia is a special case in the Arab Spring countries because before the Jasmin Revolution materialized, the Tunisian state under authoritarian regime of Ben Ali has practiced top-down state-feminism, which to a certain extent worked in favor of women's rights at least relative to the status of women's rights in rest of the Arab States. Although the revolution was mobilized by both men and women, it did not target women's rights per se, but rather other political and socio-economic concerns that were reflected in its slogan, "Bread, Freedom and Dignity." Therefore, post-Arab Spring politics and uncertainty in the transitional period worried feminists, especially secular feminists with the rise of Ennahda Party¹² to power in October 2011. However, such fears did not materialize into reality as the new constitution of Tunisia sought to protect and expand women's rights in Tunisia (Debuysere, 2016, p.202-203).

Tunisia's TDC was established in 2013 and launched in 2014 under the auspices of former President Marzouki; the TDC was vested with both judicial and non-judicial mechanisms to investigate and address the mass human rights violations between July 1955¹³ and December 2013 and provide compensation and rehabilitation to the victims (Baiec, 2018). Tunisia's new TJ law reflects the clear message that Tunisia's priorities lie with its citizens and the uncovering of truths. According to Article 42 of Tunisia's New TJ Law (also known as Organic Law No. 2013-53 Establishing and Organizing TJ), the Truth and Dignity "commission shall refer to the Public Prosecution the cases in which commitment of gross human rights violations is proven and shall be notified of all the measures which are subsequently taken by the judiciary." This does not mean

¹² A Muslim Democratic Party

¹³ One year prior to independence from France.

that the commission itself can hold persecutors accountable, but at least provides a channel through which they can be held accountable. Moreover, the New TJ Law referred to the establishment, by decree, of a fund entitled, “Fund for the Dignity and Rehabilitation for Victims of Tyranny,” (ICTJ, 2014; Ministry of Human Rights and TJ, 2013). However, according to Ms. Sihem Bensedrine, the providing monetary compensation to victims proved to be difficult as the funds were limited; the available alternative, though, would be free medical care and similar public services (Brookings, 2020).

The TDC was headed by Sihem Bensedrine¹⁴ and it also had a dedicated Women’s Committee, which represents an example of the above-mentioned gender balancing technique. Before delving deeper into the TDC’s gender-sensitive practices and considerations, it is important to shed light on the fact that it has been particularly difficult for women to come up and raise their voices in the truth-telling process. That is because there are entrenched cultural taboos¹⁵ that stand in the way of women sharing information about their abuse and violations. This is especially true for women from rural areas which are more conservative and perceive such testimonies to bring shame to the name of the family (ICTJ, 2015).

The TDC’s Mandate was designed in a way that featured female commissioners and ensured the privacy of women through the establishment of “women’s groups” for testimonies with female

¹⁴ President of the TDC, human rights activist and journalist.

¹⁵ In one of the interviews, victim leader Hamida AlAjnoui shared with me about her brother’s reaction when she told him she was going to publicly testify in the televised public hearings of the TDC. She said, “When they asked me to testify in one of the Public Hearing sessions on TV, I went to My brother to tell him and he said, “Hamida, do not forget you have girls and daughters.” What does it mean? I felt restricted and a heavy weight on my chest. I was so happy to go out and speak my truth, but when my brother told me this, my tears came down. I told him, “If I hid part of the truth, I would not be Hamida. Are you not proud of your sister? This is a continuation and completion of my struggle, and so as not to have the same happen to the girls of Tunisia, all has to be revealed: the entire truth.” Revealing the truth is part of the democratic transition and an imperfect truth is not real. His tears fell. He said “I am proud of My sister.””

statement-takers and female judges; this was feasible because when the TDC's mandate was being designed, it had gender-sensitive measures woven into it. The TDC has intentionally hired women as part of its staff as well as ensured the availability of female judges in all committees in order to enable such a trustful¹⁶ environment. It was also flexible in allowing women to testify in parts with breaks in the middle in between in order to ensure their mental well-being.

The TDC also dug deeper than surface level to ensure a holistic approach to the truth finding and rehabilitation process; for instance, it realized that with every male victim who came forward to testify about his abuse, there was a woman who has also probably been affected by such a situation. In an effort to reach those women as well, the TDC changed the protocols of asking all male victims to include asking them about the women in their lives as well as encouraging them to bring them to the commission (Warren et al., 2017. p.23). Yet, despite its gender-sensitive design, the TDC was still not a very popular place for women to go and testify, which takes us to the next section that tackles the main role that women from the civil society played in helping and convincing female victims to come forward and tell their truths (ICTJ, 2015).

In terms of gender-sensitivity measures undertaken by the TDC, based on facts from the Final Comprehensive Report of the TDC (IVD, 2019), the following measures were applied: the establishment of the Women's Committee (p.38), the setup of special audition offices for women with a specialized team of lawyers, psychologists and sociologists who are informed about the particularities of women's experiences (p. 54) and the need to provide special measures in order to ensure their safety, confidentiality and comfort. The establishment of a toll-free line through which women can communicate with women representatives of the TDC (p.54). Granting women

¹⁶ unless the victims were abused by women.

priority in terms of immediate care and temporary compensation (p.65). Dedicating a public hearing solely for the violations targeting women on the 10th of March 2017 (p.67). Granting priority to cases involving organized and systematic crimes against vulnerable groups, including women (p.74). The expansion of the definition of victims to include not only direct victims, but also indirect victims (p.130), which applies, for instance, to women who were close family members with convicted or tortured men.

For a long time in the beginning, there was a huge gap between the ratio of participation of women to men: for instance, the TDC has received 13,969 complaints of torture from men while only receiving 688 from women, and 26,572 complaints related to cruel and inhumane treatment in prisons and detention centers from men while only receiving 2,565 from women (IVD, 2019, p.159). These ratios reflected the lack of awareness about the Truth and Dignity and what it has to offer to women to protect them; it also reflects the societal and cultural pressures and taboos around women speaking up about violations that have been incurred on them, making women think they are guilty rather than victims of abuse and tyranny.

Methodological Chapter

4.1. Epistemological Position

I adopt a human-centered approach in this thesis whereby I seek to give a voice to the women who contributed to the TDC in Tunisia. My objective is to explore the role of women in this particular TJ mechanism and to find out whether it has had a politically empowering effect on the women whom I interview. This is why I did not only interview commissioners in the TDC, but also members of CSOs and International Organizations as well as victims and victim leaders. For me, it is important to look at the TJ process from a human-centered approach and to see what the women involved did to serve the purpose of sensitizing gender in the TDC, how it affected them and how it has had an impact on the victims. For this reason, I dedicated a part of each interview to ask the women I interviewed about how they perceive their experience and themselves; this was especially important for the commissioners and the CSOs and IOs' members who I interviewed because they were always focused on how this experience was for the victims, but never for themselves as women who contributed to the TJ process in Tunisia.

When asked how their daily lives looked like during the time of their work at the TDC, some of the interviewees were surprised by the question as if they have never been asked anything similar before and they were happy to answer in detail about their feelings and self-perceptions. Moreover, I have asked all interviewees for their oral consent to use their names in my research after informing them of the scope and objectives of my research, to my surprise none of them wanted to remain anonymous, which highly resonated with the human-centered approach that I adopt as by having the women share their experiences with their names is an empowering aspect

that gives them a voice to tell their experience in the TDC from a different angle. For instance, when I asked the Deputy Director of the Reparations and Rehabilitation Committee about her daily experience at the TDC, she said:

It was not easy and I tried even though it definitely affected my family. I worked for a full day from eight to eighteen hours, with victims, with adjustments, with problems. I returned home a little tense as I had a huge responsibility. Praise be to God. My husband stood by me and took care of our three kids. We slept in the office; we served every day until 1:00AM. (Razan Sleiman, Deputy Director of Reparations and Rehabilitation Committee)

This was repeated again with other commissioners who shared the same self-perception of giving most of their time to their work at the TDC even if it came at the expense of their families and personal lives.

Truth is I have lived five years of my life; I do not know about my house or daughters. I was a burden on my family. I do nothing at home because the research and investigation committee used to pass all the files to us. The truth is, five years were stolen from me. It was a great job, and I lived with all those who worked with the organization because working with the organization was not a normal work. It was so important that during the final days, we worked four days, 23 hours per 24 hours, we did not sleep, and we were in meeting in offices with only one hour off to eat and drink coffee. We ate dates and drink milk, just to stand up. 321 people worked with me; I thank then all. I was telling them, "Tunisia is calling you." (Oula Ben Nejma, head of the research and investigation committee)

As for the victims, their self-perceptions of where they are today and during the experience greatly differed from one another. One victim, Samira Ben Saleh, who was not an activist and was imprisoned in relation to her husband's political activity did not see herself as being affected by her torture and repeatedly mentioned in the interview that she had no psychological problems and was not mentally harmed.

I was subjected to torture, beatings, harassment and arrest until I thought that in the year 1995, I tried to escape from the country on illegal roads like the sea and the land, and I did not succeed, and I was subjected again to torture and torture was monstrous, it was very brutal from taking off all clothes and beating sensitive areas. Several men see me naked and in a very degrading condition. Despite these situations, thank God, I am not mentally harmed. I was always resilient until now. I have no psychological problems; I have no other problems. (Samira Ben Saleh, Victim)

During the interview, she struggled with hearing me and I could notice and was raising my voice, but did not want to put her on the spot and ask her; mid-interview, she told me that she suffers from hearing deficiency due to her torture in prison, she then told me her story:

He held me from my ear and was hitting me until my ears have been damaged. They took me to the doctor and they told her she is on an Islamist affiliation case, she refused to see me and did not give me medication, and my ears have been damaged, and now I am hearing deficient, and I have been using headphones for nearly ten years and I remove them only when I am alone. (Samira Ben Saleh, victim)

I was surprised that after all that she has been through, she did not acknowledge its impact on her life; however, looking at it from a psychological approach, it could be explained through Maslow's Hierarchy of Needs¹⁷ as she repeatedly mentioned in her interview that she is waiting for the reparations and for her and her husband's reintegration into society and provision of pensions after 25 years in exile. She is still preoccupied with the basic physiological and safety needs that she is unable to focus on reflecting on the impact of the human rights violations on her.

In another interview with victim leader Najat ElGabsi, she shared a personal piece of information about how she wants to keep perceiving herself despite all that she has been through, she told me:

I will tell you something. It is not a secret, but perhaps this is the first time I say it to someone. In Tunisia, on the wedding night, it is a tradition to keep a piece of white cloth and put it near the genitals to show that it is proof that you were a virgin. Can you believe that twenty-five years later, I still have this piece of cloth? Although I never thought I would follow such traditions before being imprisoned and I thought that I would not do such a thing and would refuse even if my family insisted on it. I found myself after prison clutching to that piece of cloth to prove that I was a virgin. This experience has showed me that life changes and you can change 180 from rejecting practices and thinking they are barbaric to holding on to this piece of cloth. When I found that my mom insisted on me doing this; I realized that she still doubted that I had been raped at the police station. (Najat ElGabsi, Victim Leader)

¹⁷ Maslow's Hierarchy of Needs is a psychological theory that assumes that there is a triangle of needs with basic needs at the very bottom followed with psychological needs in the middle and finally self-fulfillment needs at the top, and that there is a hierarchy between these needs whereby a person must fulfil the basic needs first in order to be able to fulfil the psychological needs and only then can they start thinking about self-fulfillment needs (McLeod, 2018).

Najat's story sheds light on the traumatic effects that the experience continues to have on her; throughout the interview, she repeatedly mentioned that she was not sexually abused¹⁸; then she decided to share this story for the first time. It reflected how much the imprisonment experience has shaped her self-perception and how a piece of cloth could make her able to raise her head in pride and prove to herself and mother that she survived prison without losing an important thing to her.

A recurring theme that I noticed was that the victims and victim leaders, regardless of political affiliations, were all hanging on to their religion and thanking God for everything; it seemed like they used religion as an outlet for perseverance and patience as well as hope for a better future. Moreover, it was surprising that none of them asked to keep their identities anonymous; on the contrary, they were positive about having their names written in the research which further resonated with my approach of giving them a voice to speak about their experiences. I also noticed that my identity as an Arab woman helped the women open up to me because in most of the interviews, they were telling me, "As you know, in Arab countries, women like us are..." or "as you are familiar in Egypt, it was similar to Tunisia in terms of...". I believe that this helped them express themselves more clearly.

4.2. Methodology

In this thesis, I base my research on both first- and second-hand resources: interviews with three women groups and reports issued by the TDC as well as scholarly publications on the topic. The three groups of women I interviewed for this research are as follows:

¹⁸ Most of the victims have told me that it is a common assumption in Tunisia that if a woman goes to prison, she loses her virginity inside.

4.2.1. Participants

(i) Women who were directly involved with the TDC:

The category includes two groups of women: those who were commissioners of the TDC and its related bodies at any point of the TJ process starting from the drafting and designing of the bill; and the women victims and victim leaders who contributed to the truth-seeking process by filing their complaints, testifying privately and/or publicly, helping other victims come forward, and/or simply being educated about her rights as a direct or indirect victim.

(ii) Women who indirectly contributed to the TDC:

Women members of CSOs and IOs who monitored the progress of the TDC and offered suggestions for improvement as well as collaborated with the TDC to ensure that higher women victims are aware of their rights and what the TDC has to offer to them¹⁹

These three groups are not mutually exclusive and some of the women I interviewed wore different hats belonging to more than one group, but I categorized them into the main group that they belonged to as shown in **Tables 1-3**.

¹⁹ Although indirect contributors, women from CSOs and IOs proposed to the TDC to modify its testimony collection procedure in order to better allow women to do so; the Commission responded by creating mobile units in nine out of twenty-four governorates in Tunisia. Testimonies were carefully coded by testimony takers using a coded system that relied on file numbers instead of names. They also allowed for flexible measures, such as allowing proxies to testify on the behalf of victims as well as allowing women to testify anywhere and not only from their villages. These measures along with explanations of and awareness campaigns about the security measures in the mandate of the TDC attracted more women to testify, especially when it comes to sensitive information regarding sexual assault and similar violations (Warren et al., 2017, p.23). Their engagement, cooperation and lobbying were indeed key strategies of women-led CSOs that led to a more inclusive truth-telling experience that was tailored to Tunisian women victims' needs. Also, the fact that they monitored the progress of the TDC and acted like a bridge between the commission and the public better informed society of the work of the Commission and helped establish some kind of trust (ICTJ, 2014).

Table 1: Group 1 Participants (Commissioners)

Group 1 - Commissioners		
Name	Committee	Position during TDC
Hayet Ouertani	Reparations and Rehabilitation of Victims Committee	Head of Committee
Ibtihel Abdellatif	Women's Committee	Head of Committee
Oula Ben Nejma	Research and Investigation Committee	Head of Committee
Razan Sleiman	Reparations and Rehabilitation of Victims Committee	Deputy Director

Table 2: Group 2 Participants (CSOs and IOs)

Group 2 – CSOs and IOs		
Name	Organization	Position during TDC
Emna Sammari	International Center for TJ (ICTJ)	Member of ICTJ and Member of TDC Technical Committee
Hela Skhiri	UN Women	Country Program Coordinator at UN Women
Hind Bouziri	Association of Tunisian Women	President of Association of Tunisian Women
Salwa El Gantri	International Center for TJ (ICTJ)	Head of Office of ICTJ

Table 3: Group 3 Participants (Victims)

Group 3 - Victims				
Name	Classification	Prison Time	Status Pre-Imprisonment	Political Affiliation ²⁰
Amal Olwy	Victim	2000s	Activist	Leftist
Hamida Al Ajenqui	Victim	1990s	Activist	Islamist
Najat El Gabsi	Victim Leader	1990s	Activist	None
Samira Ben Saleh	Victim Leader	1990s	Not an activist	Islamist

4.2.2. Interviews

My first step was to find contacts with any of those women in order to be able to learn from them about their personal experiences as contributors to the TJ process. It was difficult as I was never previously exposed to the network of Tunisian women who have contributed to the TJ process. I started out with reaching to personal connections who are Tunisia, asking them if they had any contacts with those women, but that did not work out. Then, I published a post on my personal LinkedIn account asking my connections to put me in touch with any of those women. Surprisingly, I received a lot of initial contacts whom I reached out to personally via email, explaining to them the purpose of my research and its methodology, asking them if they would be interested in having me interview them to learn about their experiences and requesting that they share with me contacts of other women from any of the three groups who have contributed specifically to the TDC. Some of the initial contacts were very responsive and they shared with me a wide-range of contacts whom I then reached out to. In some cases, the initial contacts

²⁰ As identified by victim during the interview.

recommended me to others, which facilitated the interviewing process. I offered the interviews to be conducted in either English, Arabic or a combination of both in order to allow the interviewees the space to express their thoughts clearly and to not be discouraged from conducting the interview²¹.

The online²² interviews were semi-structured and aimed at receiving quality information from the interviewees that could not otherwise be found in official reports. The main reason I chose to conduct interviews was to not only assess the role of women in contributing to the TDC in descriptive terms, but rather to see how the experience was for each one of them. I held a flexible approach, allowing interviewees to tell me their whole experience from the angles they want to highlight and then asking them questions or by meeting up with them more than once when they request so to be done, because they need more time to share their experiences. Although the agreed upon time for the interview is one hour, some interviewees requested extra time because they wanted to further reflect on the process and their roles in it. At the beginning of each interview, I informed the interviewees about the topic of my thesis, how this interview will be used in my research, and requested oral consent to video and audio record the interview.

For the women associated with the TDC, and CSOs and IOs, I requested oral consent to mention their names when using information from this interview or quoting them after informing them of

²¹ This is also one of the reasons why I chose Tunisia as my case study, because I speak its first language and our dialects are not very different as is the case with Morocco for instance.

²² Initially, I planned on conducting a hybrid-format focus group with the victims' group whereby they would be present in-person in Tunisia and I would be connected with them online with the help of a field operator or that I would travel to Tunisia to conduct the focus group in person with them. However, due to Covid-19 travel, quarantine and lockdown restrictions inside Tunisia and the timing of the research, which coincided with Ramadan and Eid al-Fitr, it was not possible or safe for neither the participants nor the researcher to meet as a group in person or in a hybrid format. Instead, I opted for online interviews with the victims' group after ensuring with them that they had internet access and were comfortable meeting online, which was the case.

the scope and purpose of my research; all of them consented. I also made my contact details available to all interviewees and asked them to reach out to me in case they need to. Many of the interviewees followed up after our interview, sending me documents, researches and other contacts that they believe would help advance my research. They were all very helpful and they supported me by their knowledge, resources and connections.

As for the victims, I postponed reaching out to them until after I finished the first phase of interviews with the two other groups²³ because I expected that the interviews with victims would be more time and effort consuming as I had to be careful that it would not be a revictimizing experience for them. I reached out to the victims via text messages and/or emails and set up a date and time for our interviews. I made sure to give them a background about my research topic and objectives as well as what they could expect from our interviews. Most of the victims (three out of four participants) had approximately one-hour interviews and were comfortable sharing the details of their experiences. I was careful not to ask too many questions and define the narrative of the interview and rather preferred to let them speak their truth first and share their experience, highlighting what they saw was the most important aspects for them, then after that I would ask them my questions and guide the interview to the direction of WPE. The reason why this was important for me is because I wanted these interviews to empower the participants through being

²³ From my interviews with the first two groups, I noticed a pattern of them referring to the victims in categories based on their political party affiliations, which affected my research direction as before the interviews I was planning on addressing the generational divide between older and younger women victims, but after the interviews, I realized that the main point to be addressed would be the political party affiliations of the interviewed victims, and so, I tried to get contacts of both Leftist and Islamist affiliated victims in order to know their possibly different experience.

aware of the balance of power in the interview and trying to maneuver this power to create moments of empowerment²⁴ as suggested by Ross (2017).

4.3. Analysis

Nine out of the twelve interviews were transcribed in Arabic in a literal format to ensure that the interviewee's experiences and truths are kept unchanged and then they were translated into English. The remaining three interviews that were conducted in English were transcribed in literal format as well. The transcription and translation were made by an Egyptian translator and reviewed by the researcher against the video recordings. Then, all interviews were color coded by the researcher according to the main indicators of choice, agency and participation as well as a list of other themes deducted from interviews. Then the codes were sent to an NVivo (qualitative research software) expert who coded and analyzed the interviews, which enabled me to look for themes within and across all groups, run sentiment analysis, do matrix coding queries, find the percentage of coding of all interviews and create code clouds to further enhance the analysis of the interviews.

4.4. Results

The experiences of the interviewees were mainly analyzed through these 3 main indicators of participation, choice and agency. However, as the interviews were semi-structured and I mainly focused on letting the interviewees highlight the parts of their experiences that they see most important to them, other themes were deductively interpreted from the interviews, including:: victim's relationship to husband and whether that was the main reason of her imprisonment or

²⁴ On that note, it was not always easy. There were moments in interviews, especially those of commissioners and CSOs and IOs members when I found it difficult to take control of the direction of the interview as the interviewees wanted to highlight certain aspects that were not necessarily the focus of my research, but were, nonetheless, important pieces of information. Despite this weakness, I chose an approach that gives a voice to the women I interview, I decided to conduct semi-structured interviews as to not be imposing on them only my questions, but also to have them reflect on their experiences.

whether they were both activists and simultaneously targeted by the regime; administrative control and the extent of its effects on victims compared to the actual imprisonment period; the impact of imprisonment and administrative control on victims' employment and/or education²⁵; self-perception of the interviewed women about their experiences and its impact on them; the mention of politics within the TDC.

4.4.1. Participation

Participation was reflected differently for each group. For victims, participation was exemplified in their decision to submit their file to the TDC. This simple act was enough to count as participation especially when it happened after their proper awareness of what the TDC has to offer them.

I learned about the commission because it was our demand, and I submitted a complete file. I presented all my documents complete with murder attempts and general imprisonment. The documents proving the manipulation of the results of numbers in everything presented in sound and image recording. (Amal Olwy, Victim)

For Commissioners, participation was reflected in their ability to create measures that are gender-sensitive and enable and encourage women to come forward and file their complaints. For instance, the Reparations and Rehabilitation Committee decided to positively discriminate against women in terms of the reparations calculation system to encourage higher participation.

To encourage the participation of women, we made a kind of positive discrimination and added 5% for women who were subjected to human rights violations and came forward to the TDC. We also gave 5% for minors who were subjected to human rights violations; meaning that if she was a woman and a minor, she takes 5% once. (Hayet Ouertani, Head of Reparations and Rehabilitation Committee)

²⁵ It is important to note that in Tunisia, there was the "Circular 108" that prevented women from wearing Islamic head-scarfs from working, studying, entering universities or even doing mundane tasks like accompanying their children to schools. Through the interviews, I learned that Circular 108 was invoked whenever the state or the employers/universities felt like it, which was especially the case for Islamist activists or victims under administrative control.

For CSOs and IOs, participation included a wide range of advocacy campaigns within and without the structure of the TDC. Not only did they exert efforts to encourage women to testify, but they also played an important role in preserving memory and highlighting the narrative and truths of victims; for instance, the Voices of Memory project: women and memory preservation in Tunisia was created to dignify victims and preserve their experiences.²⁶ It also included capacity building workshops to help members of the TDC keep an eye on gender-sensitivity as well as capacity building workshops with victims to raise their awareness and encourage them to participate. Women members of such organizations were able to influence the decision-making process and ensure gender-sensitivity.

I did not want to put in the TJ law that women must be presented in 5%, or any quota. The most important criterion was independence from the old regimes/government. They must be human rights activists. I refused to let them restrict women's representation by quotas when they suggested that we put a quota of one-third that must be for women. As a feminist activist, I do not want women be protected by this quota. Women are reliable and eligible to be members, so I suggested to put a quota of one-third minimum for either women or men. The conservative members of the technical committee struggling a little bit and did not like the idea at first ... we wanted to call it gender committee, but the members of the commissioners they were against this especially the conservative for them with the talk about homosexual if you put the word the word gender. It was hard to convince them and at the end it was called the Women committee. (Emna Sammari, Technical Committee member and ICTJ staff)

Despite those efforts and the participation of CSOs that were directed towards achieving proper gender-sensitivity in the TDC, the Commission was criticized by many interviewees for choosing the wrong approach of gender sensitization.

Gender was not clear in the law, so we advocated for the integration of gender in the internal law of the TDC. This is what led to that women's committee being a horizontal committee, but despite this and despite its involvement in several activities in the first phase of the TDC, we were not satisfied with several things: in particular, dealing with privacy violations in public testimonies and secret testimonials. The TDC's Women's Committee was not as open as it should have been. In order to serve women victims, it is necessary to open up to the specialists. (Hind Bouziri, Vice President of Association of Tunisian Women).

²⁶ Voices of Memory [website](#); The [Living Memorial](#) for Women Victims of the Dictatorship; Articles on the [project](#), the [exhibition](#) and the virtual tour.

There also remained that tension between CSOs and IOs and the TDC because part of their participation in the TJ process was the monitoring and assistance of the TDC; however, not to the extent to which they could “replace” it.

We built women capacities about what is TJ, why does it exist in post-conflict or post-dictatorship? What is its added value for women in light of comparative experiences, either best practices or lessons learned? We worked with women organizations on raising awareness about the need to make the upcoming commission benefit from the documentation. We believed that the TDC needed to: 1) explain the confidentiality measures; 2) explain that an indirect victim is also a victim; (3) reach out more by the truth commission, Ms. Ibtehal Abdelatif, who was responsible for the women committee, was with us in all these meetings. As an IO, we wanted the TDC to meet directly with women victims and with women associations in the regions and to talk to them directly instead of us. We were fostering the process, but we were not eager to substitute the commission because this was not our role at all. We created the “TJ is also for women” network with many other civil society activities and initiatives. At the end, we were able to have the truth commission get a total of 23% of files coming from women, instead of 5%. (Salwa Elgantri, Head of ICTJ)

4.4.2. Agency

Agency was reflected differently for each of the groups; for instance, for victim leaders, it was mostly reflected through their realization that they no longer have to wear the hat of the victim and that they actually have the power and platform through which they could make a change and empower other victims to come forward. There was also mention of collective action and association that showed that they were able to communicate their goals and mobilize to implement it.

We started by the association, then started working with other networks to go out to disseminate at the weekly markets, and to urge women to talk. Why? Because it is our belief that these violations are not our fault; we were victims. We do not want our children and grandchildren to be victims of abuse. It has to be defined because we believe that the truth is not absolute. We own a piece of the truth and the rest is owned by others. Therefore, solidarity is needed. Because these violations are not only in the past, but we must invest from the past to build the future. There were many women who feared testifying (those who had sisters for instance). We used to tell them, “No, you were victims of state politics in the past. So, do not be victims of outdated traditions today.” (Najat)

For some victim leaders, a part of their agency was reflected through their realization that they did not do anything wrong to be ashamed of and that they were merely victims of old regimes. There was also a lot of focus on what their families thought of them testifying publicly through

media channels and how that would affect their children who are already grown up by now. The focus here is on how they overcame pressures to not testify through their newly developed agency, awareness and need to be active players in the TJ process.

It was a huge scene when Dr. Moncef Marzouki, President of Tunisia, kissed my head and told me, “You are the pride of Tunisia”. I was crying. Of course, I was happy! Thank God that we perform the duty of speaking our truths. Until now I continue. I say, “go, we must document what happened in prison, now. We must take our rights from the system through the TDC. It is now a real democratic transition that can only happen when you share your truths. It will not be a transition unless the truth is documented.”

For commissioners, agency was reflected in different arenas; for instance, their agency was reflected in using the media and other platforms to model and raise awareness about what the commission has to offer for the victims. They also had private channels to do so, through receiving calls from victims, having one-on-one meetings with them and/or inviting them to public hearing sessions to show them that they have a right to share their truths because they were victims of old regimes and did not do anything to be ashamed of.

There are women who told me we heard you on the radio while you were speaking in the public session. She tells me I was afraid and refused to come to the association to present my file, but I came into the public session with a leg forward and leg backward. We came to hear other experiences, but we came in disguise. I swear by God, there is a woman who told me that I had thought myself for more than twenty-five years that I was the most tortured woman on earth. When I attended the public session and heard the women victims speak, I knew that I was subjected to less torture than them and that I was closer to them with pain. So, when a woman publicly testified, it was a purification for others. (Ibtihel Abdellatif, Head of Women’s Committee)

Agency for members of CSOs and international organizations was mostly reflected in their eagerness to cooperative and work collectively in coalitions. In all of my interviews with this group, there was mention of CSOs and IOs as a coalition working together and coordinating tasks to reach a goal of better awareness, inspection and monitoring of the TDC and a higher percentage of women coming forward to file their complaints. There was also criticism of the receptivity and cooperation of the Women’s Committee in the TDC.

We have provided this support in cooperation with the ICTJ and other UN entities to facilitate and ensure that gender would be mainstreamed in the TDC's structure. There were many types of possible structures, but they opted for the Women's Committee and on papers and in the bylaws, it was envisioned as a hub of expertise to ensure that gender is mainstreamed, but finally, it was not the case. The Committee could not be as strong as it should have been because it had to be to position itself as a sort of knowledge unit or technical support unit, but she (Ibtihel Abdellatif) was always, almost alone, and she had to struggle to be part of the different processes. We have also offered at that time to have an expert staying with them from our international staff to support them in ensuring gender-sensitivity in the bylaws and the approach but this has been, in fact, rejected. It is a pity because this could have been really helpful. (Hela, Country Program Coordinator at UN Women)

4.4.3. Choice

Choice was also reflected differently for each group; for instance, for victims, choice was exemplified through their awareness of their rights and liberties, and their expectations of reparations for the human rights violations they have been subjected to. I noticed a lot of sensitivity when it came to this point because most of the victims and victim leaders that I have interviewed were subjected to these violations over 20 years ago and they were much more concerned with the moral aspect of reparations that they believed very much they deserved than the monetary aspect of it; most of them, especially the older victims, expect an official apology from the state along with holding perpetrators accountable. They merely want to have their citizenship rights back in a dignified way; for instance, Samira Ben Saleh, who is quoted here, has had to flee the country after being subjected to human rights violations and imprisonment along with threats against her daughters because of her husband's political activity.

Samira expressed in her interview, that reparations to her would mean giving her and her family back their rights as citizens along with a proper pension to compensate for her and her husband's underemployment in Germany.

I honestly wish that those who wronged us apologize for violating our rights and inflicting injustice on us; when women are stripped and tortured before men, this is not easy. Those who have done this must be held accountable. That is all I wish they would hold the wrecker of persons accountable, and that they would serve as an example. We are not bridges for everyone to walk over. Tell me, who would choose my life here in exile? Me and my family paid a big tax and I had to live abroad

for 25 years and raise my children in Germany and not be able to attend my family's funerals even. They should apologize and return our rights, why not? Why do they not right the wrong? (Samira Ben Saleh, victim)

For commissioners, choice was reflected in their efforts to remove the cultural and legal constraints that stood in the way of women victims and prevented them from filing their complaints or sharing their truths.

We used to assure them that the confidentiality of personal information would remain and that their data was largely protected. We wanted the victim to reach the level of citizenship and equality in rights and duties. They must be reintegrated into society. A type of abuse is preventing people from mixing. You cannot enjoy your dignity, your citizenship, and you do not work. Dignity does not work when you are hungry, and your children are hungry, and we focused on dignity. (Hayet Ouertani, Head of Reparations and Rehabilitation Committee)

This was also the case with the collective efforts by the CSOs and IOs who worked on raising awareness of women no matter where they were located after they realized that women outside of the main cities were neither well aware of the scope of the Truth nor of their status as victims, especially if they were indirect ones.

During the first process of TJ law, there are some radios they accepted to put the advertisement to encourage people to make a complaint. But then only 5% were women who filed their complaints; it was not enough for us. So, we started raising awareness about the commission and especially the women's committee. So, the ICTJ and other CSOs made a tour around Tunisia to raise the awareness of the importance of women submitting complaints. (Emna Sammari, member of Technical Committee that drafted the TJ law and ICTJ staff)

Along with that was also their efforts to ensure accessibility and confidentiality to women victims who feared the society and their families' reactions.

Some of the employees have their own pickup cars in order to not go to the homes of victims with a vehicle affiliated with the TDC. We knew, for example, that there were women who were subjected to sexual violence and/or torture; so, we had special procedures for them. (Razan Sleiman, Deputy Director of Reparations and Rehabilitation Committee)

Through this empowerment of victims and providing them with awareness, safety, accessibility and confidentiality throughout the process of being introduced to the TDC, filing complaints and

personally testifying, it was the case that some victims realized their rights and liberties to the extent to which they requested the anonymity be removed.

The truth It is not strange that Tunisian women are fighters. Honestly, when I arrived in front of the judge, some victims even asked to reveal their identities to the court. (Oula Ben Nejma, Head of research and investigation committee).

The interviews with women who directly/indirectly participated in the TDC reflect a wide spectrum of feelings about the experience from different points of view as each group experienced the TDC from a different position. Themes and findings will be explored in the next chapter; however, it is note-worthy to mention that the process of truth telling, raising awareness and gathering the courage to tell one's truth was an empowering one for those who shared their truths and those who enabled them to do so.

Whenever I asked the interviewees from the victims and victim leaders' group about their assessment of the TDC, despite the many limitations that they list, they reflect on their experience of understanding why telling the truth matters, how empowering it could be to know their rights and liberties, and how reparations are human-centered around dignity, they take pride in their experience even though until this very day, they have neither received reparations nor reaped any benefits. On the short-term, they seem to be hopeful against all odds. For CSOs and IOs, since they have contributed a lot, but are still more of an outside party that monitors progress and provides support; they were more critical of the work of the TDC and were pointing to the shortcomings and limitations especially those resulting from TDC politics. Finally, Commissioners were defending their efforts in the TDC while mentioning the limitations that they had to work within in terms of internal and external politics. That said, gender-sensitivity in the Tunisian experience was only focused on women and was not mainstreamed as it should have been

but it was rather the responsibility of the Women's Committee as a horizontal committee to be integrated in all activities of the TDC.

Findings Chapter

This thesis has sought to explore the role of women in contributing to gender-sensitivity in the TDC and the impact of this on their political empowerment. This was assessed through the three main indicators of participation, choice and agency. This chapter lays out the findings primarily based on interviews with the three groups of women at the center of this study: commissioners, members of CSOs and IOs and victims and victim leaders. The interviews also shed light on other important findings that do not fit in the 3 main indicators, but are important and will therefore also be explored below:

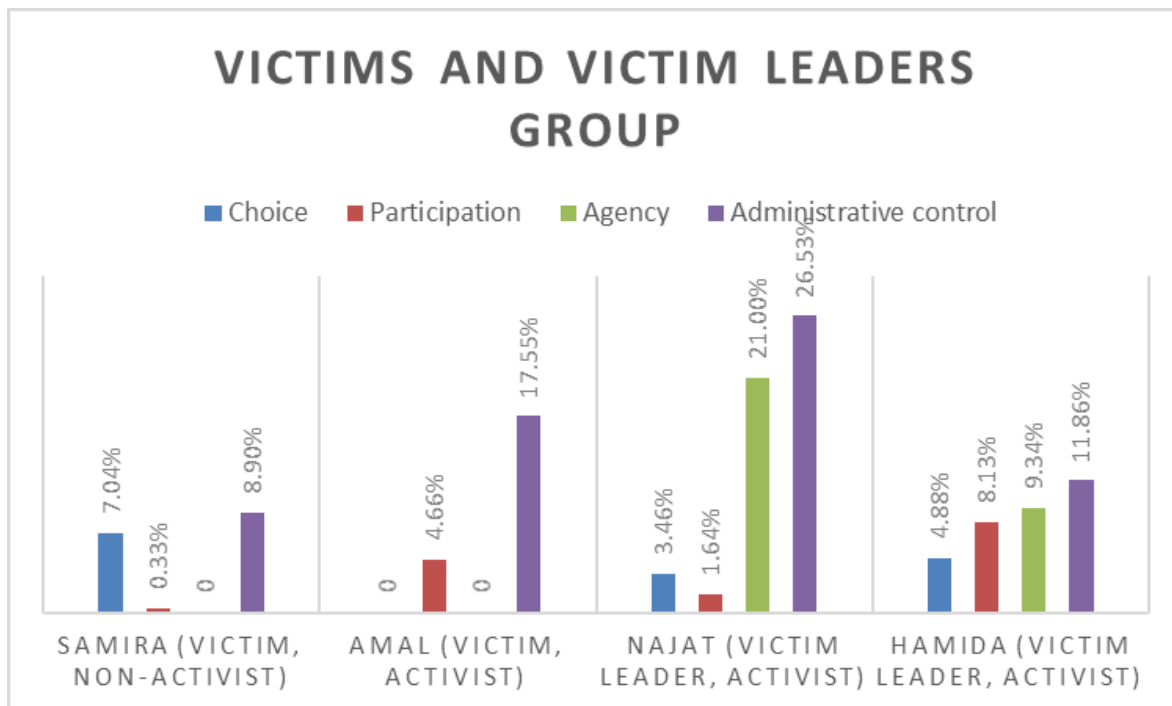
5.1. Themes: Gender-Sensitivity and WPE in the TDC

It was interesting to find that three out of the four interviewed victims have mentioned that their husbands were also imprisoned. Although it was not the same scenario for all of them of course, for Hamida and Najat who were victim leaders and have a history of activism, their fiancées at the time were imprisoned and they got married after they were released from prison. While Samira who was not an activist, she was already married to her husband and was accused of affiliation with an unauthorized association just to pressure her husband into being a spy.

Another common theme was that of the extent to which administrative control was more harmful than the actual imprisonment period as it persisted for a long period and knew no limits. The victims also highlighted the impact of administrative control on their employment and/or completion of studies and how that continues to affect some of them even until this very day. Finally, a theme that was recurrent in the interviews of the commissioners and CSOs and IOs groups was that of the politics within the TDC that hindered its smooth functioning.

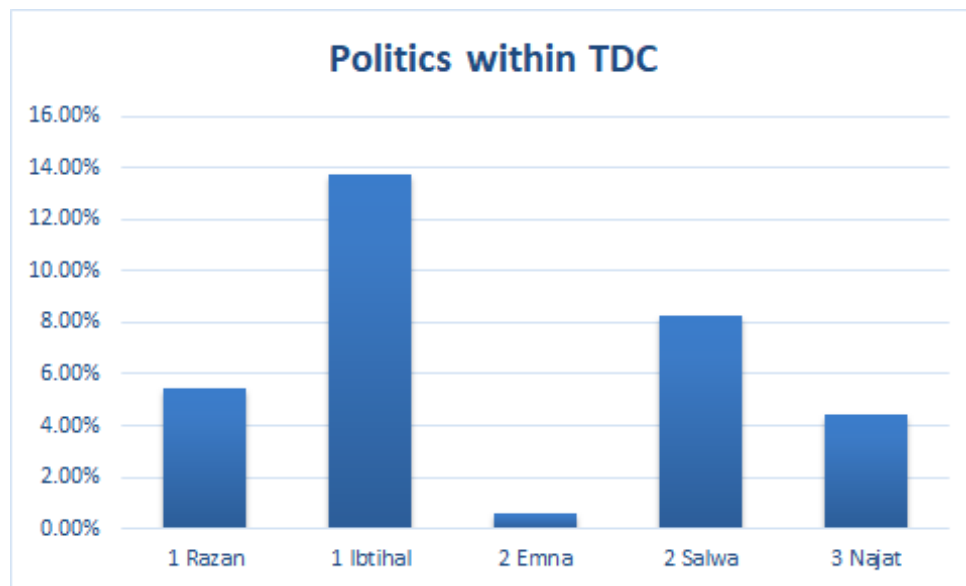
In the victims and victim leaders' group as shown in **figure 3**, there was noticeably more participation from those who were activists before being imprisoned than those who were not activists. There was also noticeably more mention of the high extent of administrative control practiced on those who were activists compared to those who were not activists; however, this could also have to do with the fact that Samira fled the country could have to do with a shorter period of administrative control. She was also the only victim subjected to trials of forced divorce by the state and she was not an activist. This shows that there were different effects of imprisonment and administrative control on activist and non-activist interviewees in the victims and victim leaders' groups. Mention of participation and agency aspects seemed to be higher in victim leaders' interviews when compared to victims' interviews.

Figure 3: Victim and Victim Leaders Group



When it comes to mention of politics within the TDC, it was mostly mentioned by commissioners themselves who talked about their experiences and members of CSOs and IOs who criticized the politics that hindered the work of the TDC as shown in **figure 4**. Many interviewees referred to phases of the TDC; a first phase that was well-functioning and a second phase that was filled with internal politics.

Figure 4: Politics within the TDC



A sentiment analysis was conducted to assess how each group of interviewees assessed the TDC as shown in **figure 5**. The results showed that their assessments were mostly mixed with more negative than positive assessment in the CSOs and IOs group. Another sentiment analysis was conducted to assess the self-perception of interviewees about their experiences as shown in **figure 6**. The results for the victims and victim leaders' group and members of CSOs and IOs group were mostly negative, while they were mixed for the commissioners group. This resonates with the content of the interviews as the victims did not only speak about their experience with the TDC, but also about their experience of human rights violations; as for the members of CSOs and IOs, they had high expectations and were let down by the performance of the TDC as the law was

perfect on paper, but there was a huge gap with the implementation; finally, the commissioners had mixed perceptions because they tried their best to serve the victims and the TJ process in Tunisia, but they were faced by various internal and external barriers.

Figure 5: Sentiment Analysis of Group Assessments of the TDC

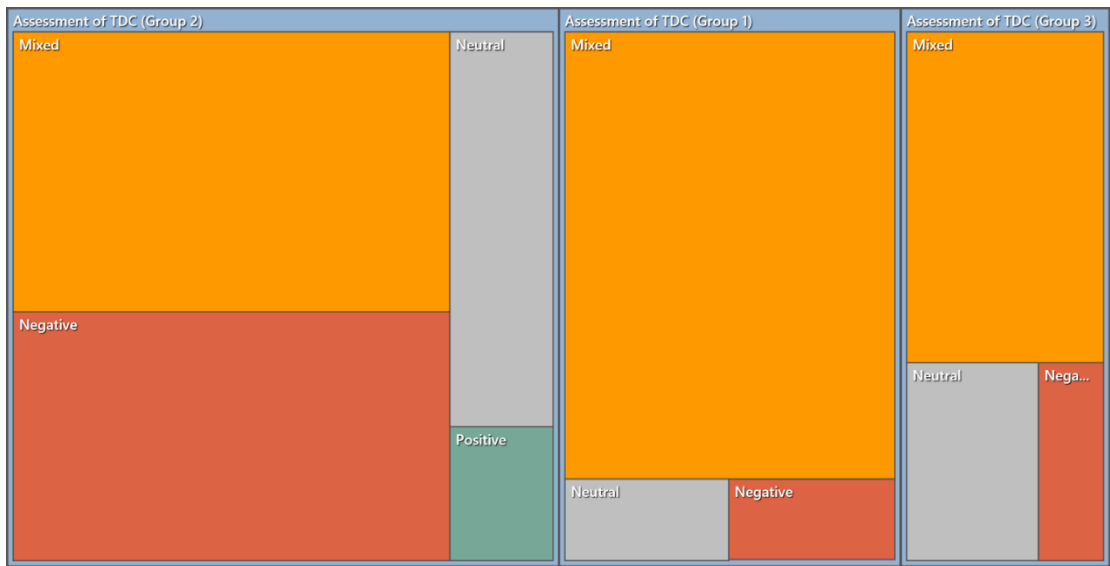


Figure 6: Sentiment Analysis of Group Self-Perceptions



5.2. Conclusions

This thesis sought to answer the following main research question: *Why is the gender sensitive approach to TJ implemented in Tunisia's Truth and Dignity considered to be a crucial stepping stone for the involved WPE?*

5.2.1. Gender-sensitivity and WPE

Gender sensitivity in the TDC was a crucial stepping stone for WPE; it could be concluded that the gender-sensitive measures that were woven into the TJ law by the three women in the technical committee that drafted the law were as follows:

(i) Article 19 in the Organic Law on Establishing and Organizing TJ, which states that “the Commission shall consist of 15 members provided that each gender is represented by one third of the members at least.”

(ii) Mention of the particularity of women in six different articles (4, 11, 12, 43, 53 and 67.2) in the Organic Law on Establishing and Organizing TJ.

There were also accessibility, confidentiality and positive discrimination measures set by the Commissioners in the TDC to facilitate women's participation, which include:

(i) The extra 5% granted to women in the reparations calculation as a sort of positive discrimination.

(ii) Ensuring accessibility through having mobile offices with computers in cars that can go around Tunisia and take testimonies from victims who are unable to go to the TDC in Tunis. Not only that, but also some members of the commission would sometimes go by

their own personal cars to the victims of sexual abuse; so that their neighborhood does not know that those cars are affiliated with the TDC.

(iii) Ensuring accessibility by having offices around Tunisia and allowing family members to submit complaint files on behalf of the victim given that the victim has to later on testify in person.

(iv) Considering the well-being and avoiding re-victimization of the victims through providing them with psychological support and a positive atmosphere in listening offices.²⁷

(v) Ensuring accessibility by providing the option of having female listeners unless requested otherwise by victims.

(vi) Participating in joint efforts with CSOs and IOs as well as victim leaders to provide awareness campaigns through capacity building workshops, media platforms²⁸, tours around Tunisia and speaking directly to victims.

Through the above-mentioned measures that were applied in and practiced by the TDC, the women who were directly/indirectly contributing to TDC's efforts were politically empowered in different

²⁷ Oula Ben Nejma, the head of the research and investigation committee at the TDC shared in her interview that, "the listening was designed not to resemble stop desks (those in administrative control) and the chair that the victim sits on must be at the same level of that of the listeners. The office was painted in cheerful colors and the listeners would be two. One of them is a specialist in law in order to understand the legal framework and the second is psychology specialist to provide psycho-social support for the victim".

²⁸ However, the media was criticized by Ibtihal Abdellatif, the head of Women's Committee at the TDC in her interview when she shared that, "The media did not do its part. The media was politicized and distorted the image of reparations to the wider society as it showed women as merely seeking financial compensation when reparations is much more than that."

channels of choice, participation and agency as reflected in the interviews (See appendix for figures showing the percentage of coding per each group for choice, agency and participation).

5.2.2. Role played by women in ensuring a gender-sensitivity in the TDC

It is important to recognize the essential role played by women in pushing forward gender sensitization in the commission despite all the limitations and barriers they faced. In this section, I list some of the main contributions by women for women as revealed from the interviewed sample:

(i) Emna Sammari's refusal to set a quota of one-third representation of women and rather setting this quota for either men or women so that at least one of the sexes is represented by one-third during the discussions of the technical committee.

(ii) Salwa ElGantri's efforts through the ICTJ's capacity-building workshops and cooperation with other IOs to raise awareness about the importance of documentation of systematic human rights violations and the commission's confidentiality measures as well as the support to the network of "TJ is also for Women."

(iii) Hela Skhiri's efforts through the UN Women to provide the TDC with expertise on gender sensitization lessons learnt from the Moroccan experience, providing guidance on structure choices that would ensure gender sensitization, and offering TDC staff trainings on dealing with human rights violations and specifically sexual violence.

(iv) Hind Bouziri's efforts through the Association of Tunisian Women to reach out to indirect victims and helping with their reintegration in the society and providing psycho-social support when needed through projects, such as "victims of yesterday, the actors of today" in cooperation with the Ministry of Social Affairs.

(v) Hayet Ouertani, Ms. Razan Sleiman and Ms. Oula Ben Nejma's efforts to accommodate women's particularities, such as having female listeners, coding/digitizing files to ensure confidentiality, driving to victims' homes with private cars and adding the 5% in the reparations calculation for women.

(vi) Ibtihel Abdellatif's efforts of encouraging women to submit their files through using media platforms to spread awareness, creating a guide of procedure for dealing with the particularities of women, and working with all committees to ensure gender sensitization in the commission.

(vii) Najat ElGabsi and Hamida AlAjnoui's efforts to raise awareness through the media and personal connections with victims to help them realize that they were victims and should not be blamed for what has happened to them, which encouraged women to come forward and tell their truths.

5.2.3. Short-Term Effects of gender sensitivity in the TDC

The thesis explored the role played by women in the TDC and found that their participation in the entity has had an impact on their political empowerment, at least on the short-run. Although the TDC was flawed with internal politics and constrained by the political system within which it functions, the efforts of women to ensure gender sensitivity in the commission have not gone to waste. Despite its perfect law on paper and its flawed implementation in reality, the TDC did implement measures to ensure gender sensitization. Gender was envisioned to be mainstreamed in the commission and to be a cross-cutting theme across all committees; however, it was at best gender balanced whereby there was the horizontal unit of the Women's Committee that tried to balance gender within the commission's activities.

When speaking about gender sensitization in the case of Tunisia, I am only referring to being sensitive to women's particularities and not the broad sense of gender; this is because conservative men members of the technical committee did not approve of the usage of the wider term to include other genders. After the critical assessment of women-centered interviews, it is evident that the gender-sensitization, although in its narrow sense of revolving around women only, was successful in the case of Tunisia's TDC because the measures and efforts put in place enabled a much higher percentage of women victims to submit their complaints to the commission with their participation percentage rising from 5% to 23% as a result of the joint efforts of commissioners, members of CSOs and IOs and victim leaders.

Moreover, through these gender sensitization efforts the women who contributed them as well as the victims on the receiving end have been politically empowered as evident in the assessment of the three indicators of choice, participation and agency in the interviews. However, the TDC was flawed starting from the deformation of the TJ law at the hands of the political system, the commission's adoption of a narrow sense of gender, failure to mainstream gender in practice and opting for gender balancing instead, its lack of openness with CSOs up to its internal affiliation-based conflicts that led to removal of parts about sexual violence in the final report and commissioners filing lawsuits against each other. However, since my research is more focused on the human-centered effects of gender-sensitivity on WPE and not the general assessment of the TDC's performance, based on the analysis of interviews, it could be concluded that the TDC has had positive short-term effects on the involved WPE.

Appendix

Figure 7: Participation - Percentage of Coding for Each Respondent (Commissioners)

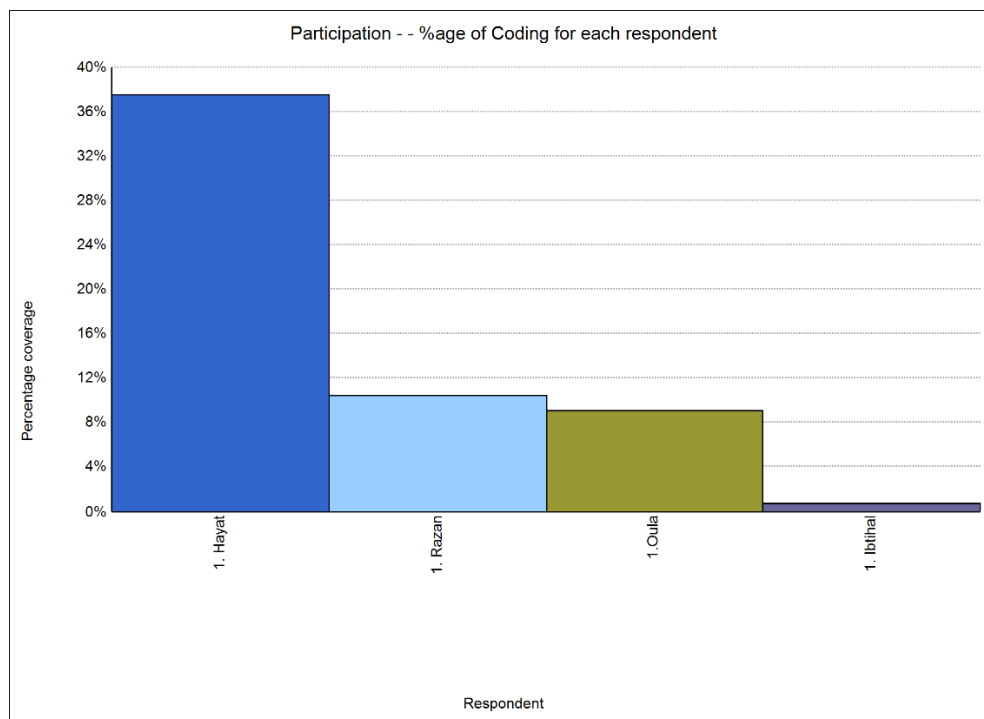


Figure 8: Participation - Percentage of Coding for Each Respondent (CSOs & IOs)

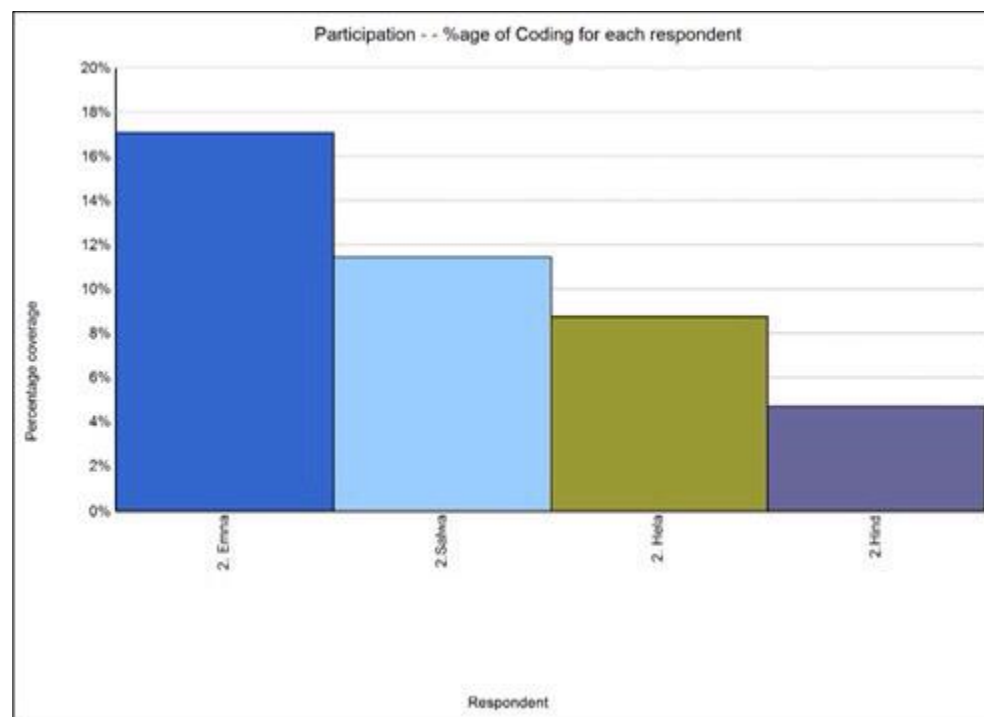


Figure 9: Participation - Percentage of Coding for Each Respondent (Victims & Victim Leaders)

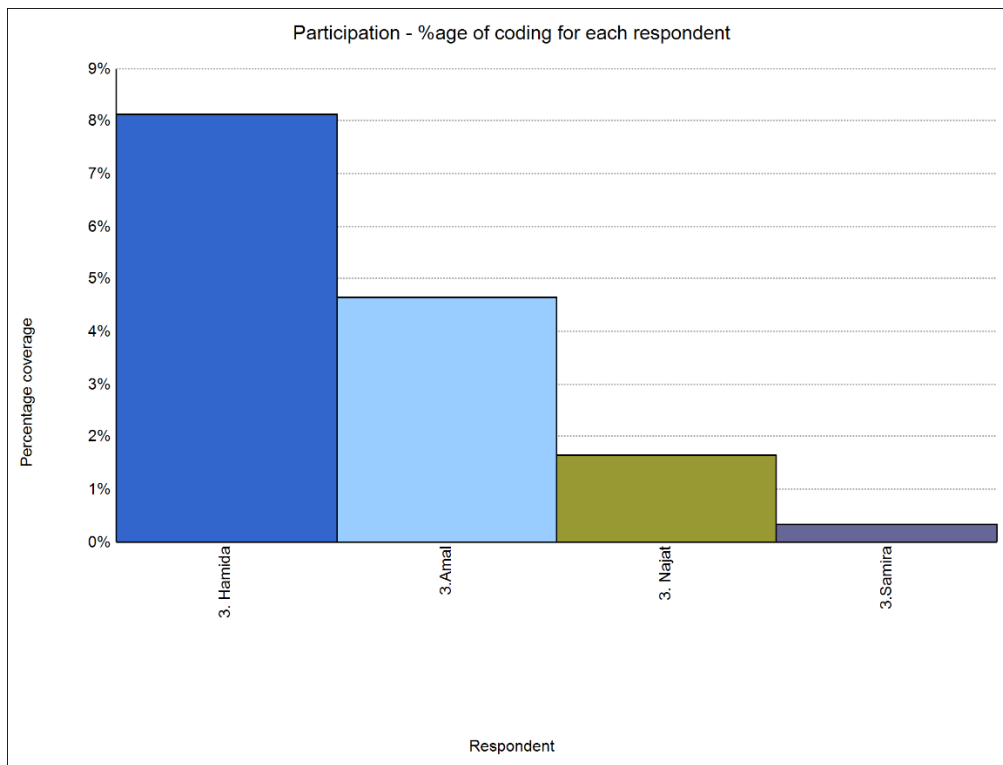


Figure 10: Choice - Percentage of Coding for Each Respondent (Commissioners)

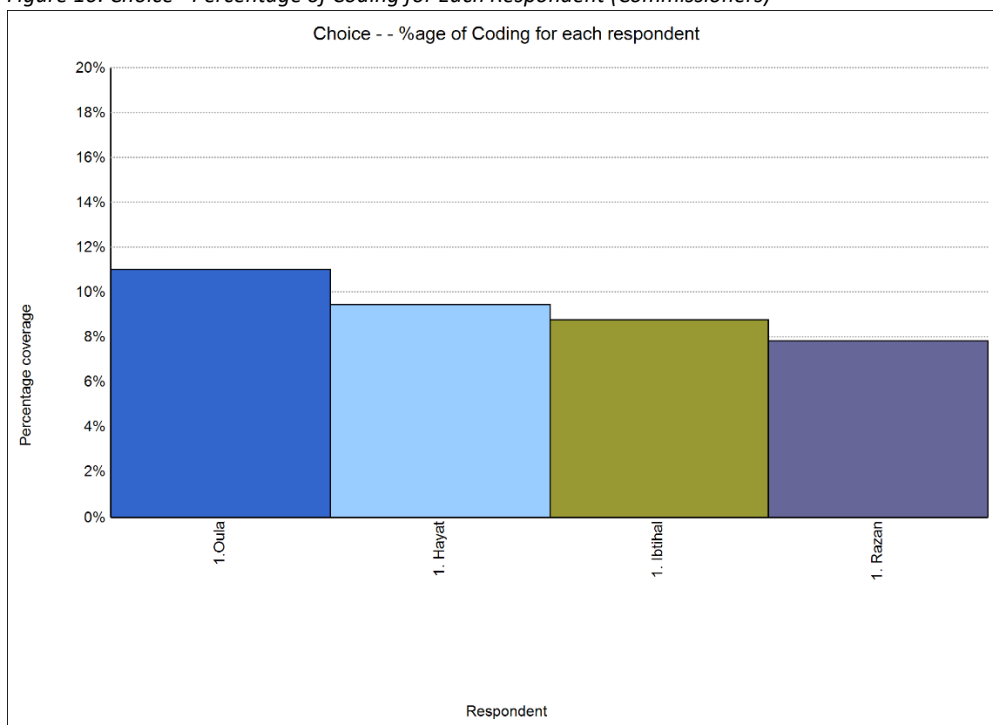


Figure 11: Choice - Percentage of Coding for Each Respondent (CSOs & IOs)

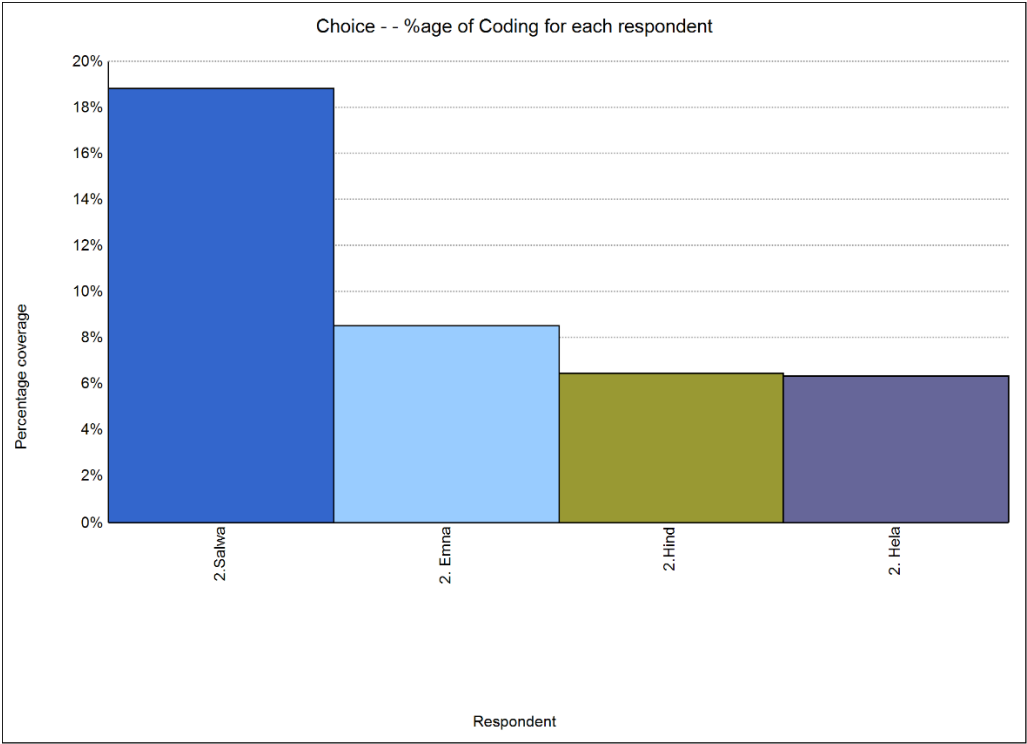


Figure 12: Choice - Percentage of Coding for Each Respondent (Victims & Victim Leaders)

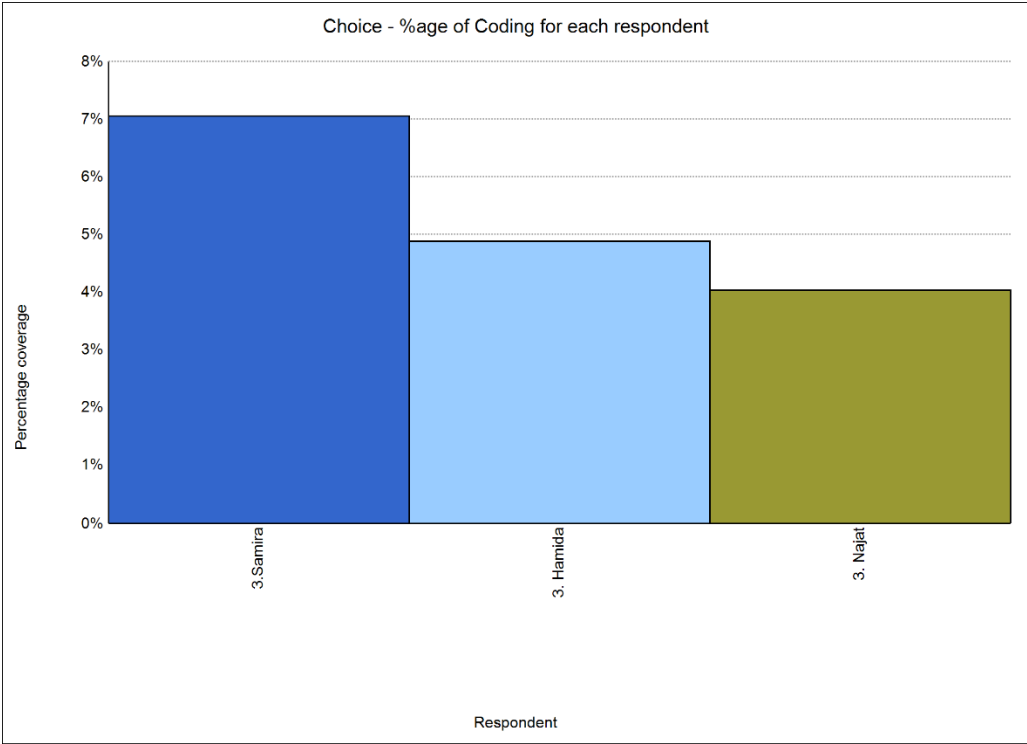


Figure 13: Agency - Percentage of Coding for Each Respondent (Commissioners)

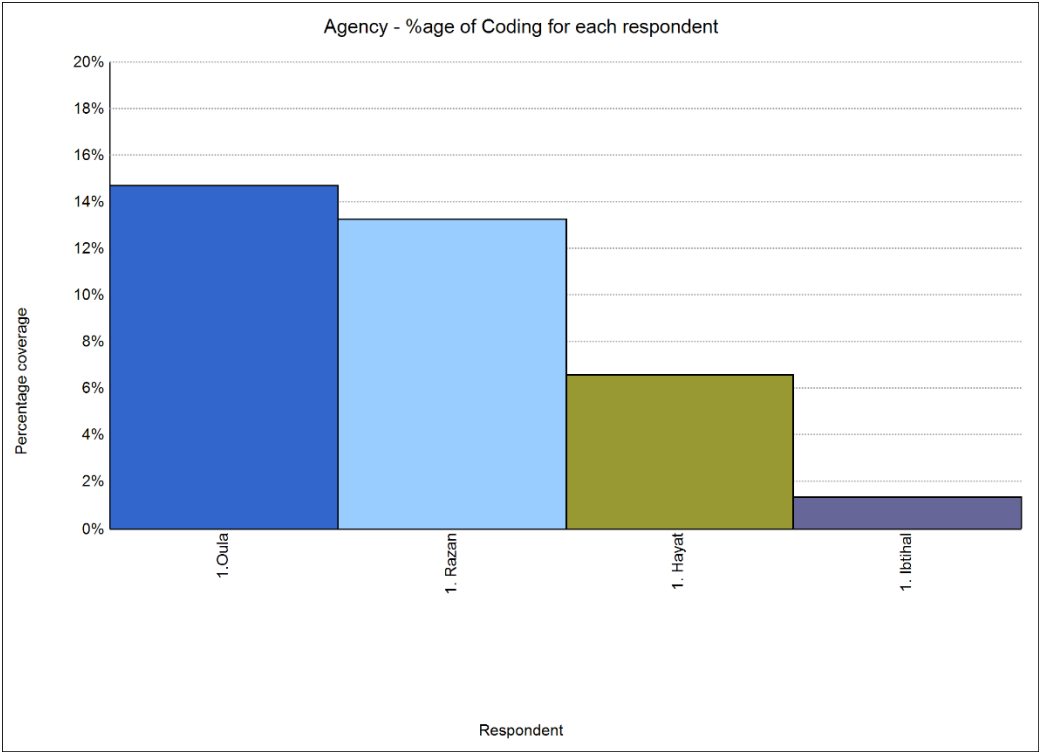


Figure 14: Agency - Percentage of Coding for Each Respondent (CSOs & IOs)

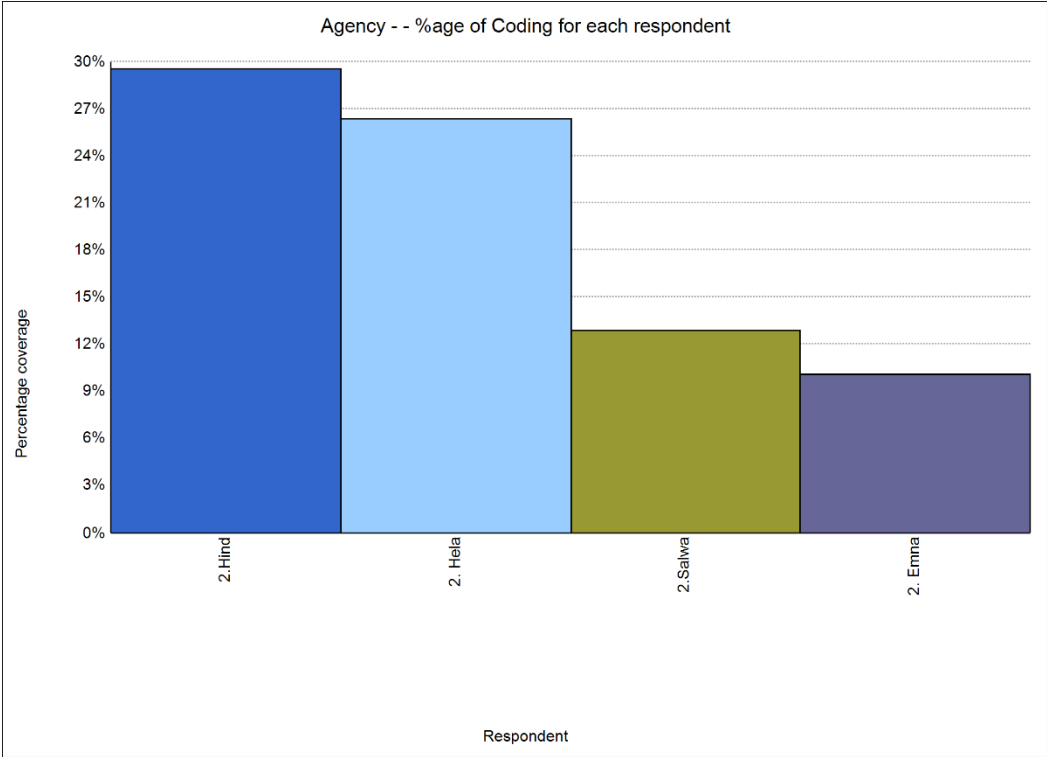
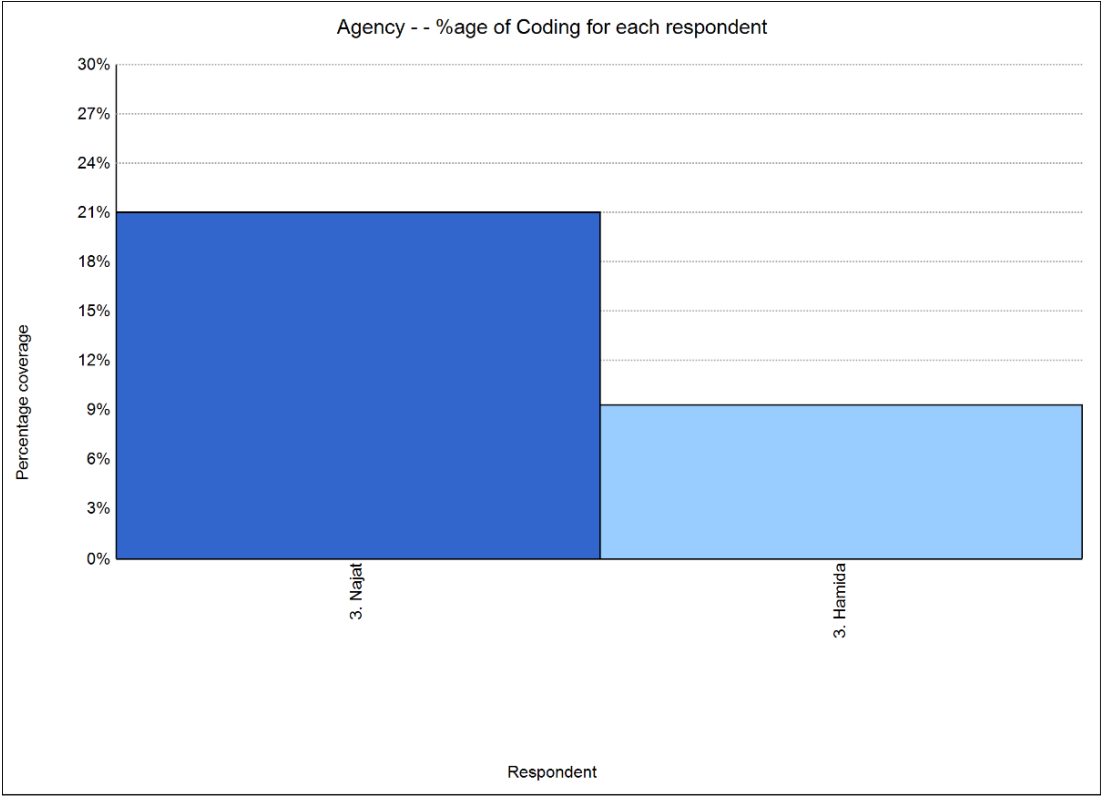


Figure 15: Agency - Percentage of Coding for Each Respondent (Victims & Victim Leaders)



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