



Interview, 26 March 2021

Democracy and Progress towards Racial Equality in Tunisia: Interview with Zied Rouine

→ Stephen J. King & Zied Rouine.



Protesters against Black-racism gathering in front of Tunisia municipal theatre on 6 June 2020, in the capital of Tunisia. © AA/Yasine Gaidi



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Tunisia abolished the slave trade in 1841 and slavery itself in 1846, the first Arab country to do so, and two decades before Lincoln's Emancipation Proclamation. The Bey of Tunisia, Ahmed Bey, justified ending slavery by arguing that slavery fostered human rights abuses, threatened political stability, and encouraged the illegal capture of Muslims by Muslims.¹

Within the contemporary Arab world, Tunisia has also been relatively progressive in facing up to and addressing anti-Black racial discrimination. In 2018, it passed a law designed to eliminate all forms of racial discrimination (Law 2018-50), the first Arab country to do so.

In parts of southern Tunisia, black Tunisian citizens, descendants of enslaved human beings, are issued official government documents with their surnames preceded by the designation, "Freed by" (Atig), in reference to the family who "owned" and "freed" their ancestors. In 2020, with the support of the civil society association, *Mnemty* (My Dream), and relying on Law 50 and articles of the Tunisian Constitution, Hamadan Dali and his son Karim – two black Tunisian citizens – successfully petitioned the court to have the derogatory and offending term removed from their surname in official Tunisian documents for the first time in Tunisia's history.

While anti-Black racism remains entrenched in Tunisia – partly because the state has been slow in implementing the new law – some progress towards racial equality has been made, albeit slower than hoped for. Victims of racial discrimination often lack the financial means to start costly legal proceedings and cannot afford to wait years to win a case. Additionally, in some instances, it is not socially acceptable or realistic to file complaints against neighbours or family members.²

Still, I contend here that racial progress has been made in the country recently, and Tunisia's transition to a democracy accounts for much of this progress. At the very least, Tunisia's democracy has allowed civil society to operate freely, enabling effective organized mobilization against anti-Black racism. Almost all Arab states are autocratic, and their leaders often argue that anti-racism legislation is not needed because all of their citizens are equal under their constitutions. In addition, these states fear national unity challenges and refuse to authorize civil

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society organizations that combat racism. In contrast, freedom of association and associational life in Tunisia facilitated the emergence of *Mnemty* (My Dream) in 2012, which has since emerged as a key and effective organization in combatting anti-Black racism. *Mnemty* led the fight that brought Law 50 against racial discrimination into existence. *Mnemty*'s lawyers represented Hamdane Dali and Karim Dali, in their successful case to officially remove "Freed by" from their national identity documents (birth certificates).

In light of progress towards racial equality in Tunisia and *Mnemty*'s role in it, below I share an interview with *Mnemty*'s Executive Director, Zied Rouine, and Hamdane Dali, conducted online on 7 November 2020.

Near the end of the Ben Ali authoritarian era (1987-2011), *Mnemty*'s founder and president, Saadia Mosbah, an activist and wife of renown Tunisian singer, Sabry Mosbah,³ sought to form a non-profit organization to address anti-Black racism in Tunisia. However, the Tunisian state under Ben Ali rejected her efforts to register the organization by denying the existence of racism in the country and the need for a law to address it. She was accused of making up racial problems among Tunisians.⁴ Mosbah was able to finally register in 2012 after Tunisia's revolution, and the association resumed its work to pass a law against racial discrimination which culminated with the passing of Law 50 in 2018. The comprehensiveness of Law 50 is an impressive admission by the state that anti-Black racism exists in Tunisia and needs to be addressed in state and society.⁵ The law commits the state to establishing programs to raise awareness and improve education about racial discrimination in all public and private institutions. It establishes penal sanctions (one month to a year in prison) and fines against "whoever commits an act or makes remarks of a racially discriminating nature with the intent of contempt or to offend dignity."⁶ Specific sanctions outlaw the incitement of hatred, violence, segregation, exclusion, or threats to any person or group based on racial discrimination; the dissemination of ideas based on racial discrimination, racial superiority, or racial hatred; membership in a group that clearly and repeatedly supports racial discrimination; and the financing of racist organizations. Finally, the law also establishes an official public committee in charge of monitoring racially based cases, while designing and pushing the government to implement Law 50 through detailed anti-racism policies and measures.

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Who is Zied Rouine?

I am a Black Tunisian, an activist for 8 years in the *Mnemy* association and currently its Executive Director. Our main victory has been the adoption of Law 50 in October 2018, a law which condemns and penalizes all forms of racial discrimination. I am also the local consultant of the organization MRG (Minority Rights Group) on *Les Points Anti-Discrimination en Tunisie* (Anti-Discrimination Issues in Tunisia). In 2019, we created a legal clinic to help victims of racial discrimination. I was selected in 2019 as one of the hundred most influential people under 40 of African origin in the world (MIPAD 100).

After successfully leading the fight to implement the Arab world's first anti-racial discrimination law, what are Mnemy's current goals?

Our main immediate goal is to ensure, with continuing hard work, that the reality on the ground conforms to what Law 50 says on paper.

In addition, the association has moved on to another stage, that of proposing other concrete measures to fight against racial discrimination. We have created listening cells for victims of racial discrimination, with three representatives per region, in the South and greater Tunis, making legal aid available to them. These representatives are responsible for monitoring, collecting, and documenting all racist acts reported in daily life and on social media networks. Since 2019, 67 cases of racial discrimination have been reported to us, with nine official complaints which have resulted in trials, including two judgments in favour of the victims.

But much remains to be done in a society where blacks represent 10 to 15% of the population but are very poorly represented in the social and political life of the country (only one black deputy out of 217 elected, and no black mayors or governors).⁷

Also, there are still intolerable acts of discrimination in the south of the country



with buses and cemeteries for Blacks in several cities, and entire villages created to isolate black citizens. The fact is that Blacks are not considered a full and equal component of Tunisian history and culture; we are associated in the Tunisian collective memory with subordinate functions and servitude trades. *Mnemy* acts to change mentalities, in particular through the realization of concrete historical research projects to restore the black community to its deserved place in society.

Overall, how is anti-Black racism manifested in Tunisia?

Racism is encountered in a number of areas of Tunisian life. Based on direct reports to us, *Mnemy* has actively addressed different types of cases:

In public space: An analysis of these cases reveals that those most affected are sub-Saharan migrants who, on returning home from work and passing through Tunisian neighbourhoods, are subjected to verbal and physical attacks, and are sometimes the victims of robberies. Even in taxis, some sub-Saharans are threatened, beaten, and insulted. Sub-Saharan women have been the victims of harassment and intimidation by young men in their neighbourhoods and have also been the victims of robbery and racist insults.

In contact with police officers: We have reports of racist acts that have taken place inside police stations or have been done by police officers in the street. Four were on the basis of skin colour, including one case of a black Tunisian being abused by the police.

In the workplace: Violence, harassment, and racial discrimination take place in the workplace in Tunisia. Three cases involved skin colour, 24 involved national origin. Black Tunisians have been frequent victims of assault, insults, or mockery by their co-workers. In one case, after being called a slave ("*oussif*") and assaulted by her colleague, the victim was fired. In another case, a teacher was verbally assaulted at school on the basis of his colour by a student's parent. There are numerous reports of workplace discrimination against sub-Saharan migrants, acts that amount to a modern form of slavery. In one case, three young sub-Saharans were victims, one died of a heart attack at his workplace due to fatigue and two



died of suffocation in a construction site in Sfax because of months-long exploitation. Others either do not receive a salary or are paid less than Tunisian workers, even if they work overtime. There are also many cases in which sub-Saharan workers work unduly long hours (from 6am to 8pm with only a 30-minute lunch break). For sub-Saharan women employed as domestic workers, it has been reported that they are often treated badly, insulted, harassed, intimidated, and poorly paid, sometimes with the threat of reporting them to the police because they do not have work permits in the country because of their status as irregular migrants in Tunisia.

Within neighbourhoods in Tunis: Racist violence and harassment occurs between neighbours. We have received eight reports about racism in this area. Six sub-Saharan Blacks and two black Tunisians have reported discrimination on the basis of skin colour and national origin. These men and women have been made the object of verbal and physical attacks by their racist neighbours.

What sort of actions does Mnementy undertake?

Mnementy provides legal clinics to support victims of racism in Tunisia and help them pursue justice. We supervise and train more than 100 lawyers on Law 50 against racism. Our agenda also includes the following:

- Strengthening the mechanism of judicial and non-judicial control of the implementation of human rights and of sanctions, in the event of violation.
- Implementing Law No. 2016-61 of August 3, 2016 on the prevention and fight against trafficking of people, mainly to investigate cases of abuse of sub-Saharan migrants.
- Revising media policy with the aim of promoting the culture of combating all forms of discrimination.
- Training primary school, secondary school, and university teachers about human rights with a focus on vulnerable minorities.



What is the Atig case?

Initially, in 2017, the court dismissed the plaintiffs, citing the lack of a committee or law to deal with surname issues. Later that year, Karim Dali sent a letter to the Ministry of Justice through a lawyer to have the derogatory word removed from his name in official documents. His request was again rejected on the same grounds, namely, the absence of a special committee to deal with these matters.

In August 2020, the Dali family, assisted by our lawyer Hanen Ben Hassana, filed a request to remove the humiliating qualifier from their surname. For her argument, Maître Ben Hassana relied on Article 2 of Law 50 and Articles 21, 23 and 49 of the Constitution, since the name “Atig Dali” perpetuates discrimination, humiliation, and insult to human dignity. With this judgment, the registrar was authorized to write the name “Dali” instead of “Atig Dali” on all official documents, including birth certificates.

This judgment opens the way to similar procedures for other black Tunisians who will in turn be able to change their name and truly choose their identity.

Testimony of Hamdane Dali

My name is Hamdane Dali, a Tunisian citizen. I am 81 years old from Djerba. My only motivation for pursuing the Atig case was for the benefit of my children. It was to eliminate the trace of slavery by deleting the word " Atig "from my name. My son Karim Dali helped me.

The name "Atig" bears the suffering of Blacks at the time of slavery and still today there are still many Blacks with "Atig" (Freed by) before their last name on Tunisian documents. When requesting official documents, we often receive looks of contempt and questions like: "Are you a former slave and do you still work for these families?"

The designation "Atig" is the symbol of an era of oppression and obscurantism for every black person who still carries this shame in their name. I don't want to look back at my past of pain and racism. I want to look forward to a bright future for my



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sons and for the Blacks of Djerba, who are the most marginalized in school and at work. The image of Blacks in Tunisia is linked to professions such as waiters or even drummers at weddings, or folk dancers. However, we are Black, and we are an equal component of this country.



Endnotes

1. Montana, Ismael Musah. *The Abolition of Slavery in Ottoman Tunisia*, (Gainesville: University Press of Florida, 2013).
2. Arab Reform Initiative, “Facing up to Racism in Tunisia: Interview with Khawla Ksiksi” 8 June 2020.
3. Their son, Slah Mosbah, is also a popular Tunisian singer.
4. Personal Interview with Ms. Mosbah, Spring 2014.
5. For a full summary of the law see the Arab Reform Initiative, “Facing up to Racism in Tunisia: Interview with Khawla Ksiksi” 8 June 2020 and “Tunisia’s Law against Racial Discrimination: The Mixed Results of a Pioneering Legislation” 11 February 2021.
6. Ibid.
7. This is Mr. Zied Rouine’s personal estimate. The National Institute for Statistics, an official institute of the Tunisian State, forbids surveying the country by race.



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About Arab Reform Initiative

The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

- We produce original research informed by local experiences and partner with institutions to achieve impact across the Arab world and globally
- We empower individuals and institutions to develop their own concept of policy solutions
- We mobilize stakeholders to build coalitions for positive change

Our aim is to see vibrant democratic societies emerge and grow in the region.

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