



# Economic and Social Council

Distr.: General  
29 July 2016  
English  
Original: French  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### Fifty-ninth session

19 September-7 October 2016

Item 6 (a) of the provisional agenda

### Consideration of reports: Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

## List of issues in relation to the third periodic report of Tunisia

### Addendum

## Replies of Tunisia to the list of issues\*,\*\*

[Date received: 12 July 2016]

## General information

### Issues raised in paragraph 1

1. A number of the economic, social and cultural rights enshrined in the Covenant are expressly established in the Constitution of January 2014, namely in its articles 37 to 40 and 42 to 48. Accordingly, and pursuant to article 49 of the Constitution, which states that the judicial authorities ensure that rights and freedoms are protected from any violation, the courts have a duty to enforce these rights as set forth in the Covenant.
2. The foregoing notwithstanding, and although the courts may directly apply the Covenant pursuant to article 20 of the Constitution, cases involving the enforcement of those rights or issues relating to application of the Covenant are rarely presented to the courts. As a result, few decisions have been handed down involving direct application of the Covenant.
3. Furthermore, even though courts are able to refer to provisions of the Covenant to interpret domestic legal norms, and in particular the provisions of the new Constitution, court decisions do not always clearly indicate if the Covenant was invoked.

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\* The present document is being issued without formal editing.

\*\* The annexes may be consulted in the files of the secretariat.

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4. It should further be noted that the proper application of the Covenant, be it directly or indirectly, is closely linked to the need for judges to have training in human rights, including economic, social and cultural rights, and in how those rights are to be applied in domestic law and in the decisions they hand down. With support from a variety of financing sources, the Ministry of Justice offers training in this area although not specifically for economic, social and cultural rights.

5. In view of their role as protector of rights and freedoms, especially those enshrined in articles 37 to 40 and 42 to 48 of the Constitution, the Tunisian courts (constitutional, judicial and administrative) are obligated to recognize the enforceability of these rights under the supreme law of the land as embodied in the Constitution.

#### **Issues raised in paragraph 2**

6. Article 13 of the Constitution states that the country's natural resources belong to the people of Tunisia; that the State exercises sovereignty over those resources on behalf of the people; and that investment agreements relating to such resources are considered by the competent committee in the Assembly of the Representatives of the People and any instruments emerging therefrom are submitted to the Assembly for approval.

7. This parliamentary oversight provides a guarantee that these human rights instruments are respected.

#### **Issues raised in paragraph 3**

8. Draft legislation to establish the Human Rights Commission was prepared after consultations at the national and regional levels and with support from national and international experts to ensure compliance with the Constitution and with the Paris Principles. The draft text states that the Commission will have legal status and will be financially and administratively independent. It will receive all complaints of violations of human rights and freedoms, conduct investigations as necessary and take all appropriate action to address such violations.

9. The Commission will have a number of specialized committees to address human rights violations, including one specifically for violations of economic and social rights.

#### **Issue raised in paragraph 4**

10. The Ministry for Relations with Constitutional Bodies, Civil Society and Human Rights is preparing a series of information seminars, to be held in 2017, on the international instruments that Tunisia has not yet ratified, including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

11. These seminars are intended to make public authorities, legislators and civil society aware of how important these instruments are for promoting human rights in Tunisia and to start a dialogue on the appropriateness of ratifying these instruments.

#### **Issues raised in paragraph 5**

12. The report was prepared by a committee that included representation of the various ministries concerned. A consultation event was organized to elicit and compile the various recommendations of civil society and the High Committee on Human Rights and Fundamental Freedoms. The final version of the report reflected the recommendations that emerged from that event.

## Issues relating to general provisions of the Covenant

### Article 2 (1)

#### Obligation to take steps to the maximum of available resources

##### Issues raised in paragraph 6

13. Subsequent to the ratification by Tunisia of the United Nations Convention against Corruption and the adoption of Framework Decree-Law No. 2011-120 of 14 November 2011 on anti-corruption activities, the Ministry of Justice issued a decision in 2012 establishing a financial crimes unit under the jurisdiction of the Tunis Court of Appeals and linked to the Tunis Court of First Instance. The unit has authority to decide on matters relating to any type of corruption and it employs judges specialized in the subject matter. With a view to further consolidating this unit and defining its powers and composition, draft legislation was submitted to the Assembly of the Representatives of the People in early 2016 and is currently under discussion.

14. As part of the effort to ensure protection for whistle-blowers, article 25 of Organic Law No. 2016-22 of 24 March 2016 on the right of access to information provides for the identity of persons who provide information on wrongdoing or corruption to be excluded from the information that is made available for access.

15. Draft legislation on the protection of whistle-blowers will be submitted to the Assembly of the Representatives of the People for debate and approval.

##### Issues raised in paragraph 7

16. Tunisia, like all developing countries and countries with low national revenue, lacks resources to undertake development projects to improve its citizens' standard of living. It must thus borrow from public and private national and international lending institutions, shareholders and multilateral or bilateral lenders; in doing so, it needs to strike an appropriate balance between foreign indebtedness of the State and its legal obligations to respect, protect and ensure the progressive realization of human rights, in particular the economic, social and cultural rights identified by international human rights bodies.

17. The problem, however, does not arise in Tunisia, in particular with regard to bilateral borrowing, for the following reasons:

- Existence of the National Development Plan

Every five years, Tunisia formulates a national development plan defining strategic thrusts for the country and identifying a set of major development projects. All stakeholders are involved in the preparation of the plan, including civil society, the Government, political parties and others.

- Alignment with the goals and strategies laid out in the National Development Plan

All loan agreements, including those entered into bilaterally, may only be signed to finance development projects that are included in or consistent with the general thrusts of the Plan.

- Use made of funds provided by bilateral partners

Resources from bilateral funding partners are used to finance development projects intended to ensure the full realization of citizens' rights. Some examples are provided in the table below:

<i>Germany (KfW+GIZ)</i>	<i>Italy</i>	<i>Switzerland</i>	<i>France (AFD)</i>	<i>Japan (JICA)</i>
<p><i>Right to employment</i></p> <ul style="list-style-type: none"> <li>• Vocational training and employment promotion fund for young people in Tunisia</li> <li>• Employment promotion programme of support for small and medium-sized enterprises (SMEs)</li> </ul>	<p><i>Health and social rights</i></p> <ul style="list-style-type: none"> <li>• Project to support the national cancer campaign</li> <li>• Upgrading of various hospitals</li> <li>• Projects to support social integration of persons with disabilities</li> </ul> <p><i>Right to a healthy environment</i></p> <ul style="list-style-type: none"> <li>• Environmental protection programme</li> <li>• Controlled landfills project at Tozeur, Zaghouan and Mahdia</li> </ul>	<p><i>Social, political and civic rights</i></p> <ul style="list-style-type: none"> <li>• Civic education project for illiterate persons</li> <li>• Establishment of “good citizen” clubs at six primary schools and eight secondary schools</li> <li>• File management support for eight human rights associations</li> </ul>	<p><i>Right to employment and professional and social integration</i></p> <ul style="list-style-type: none"> <li>• Programme to support vocational training and employment</li> <li>• Upgrading of vocational training centres:</li> <li>• Strengthening of vocational training infrastructure</li> <li>• Monitoring of businesses’ development</li> </ul>	<p><i>Right to infrastructure</i></p> <ul style="list-style-type: none"> <li>• Radès bridge</li> </ul> <p><i>Right to water</i></p> <ul style="list-style-type: none"> <li>• Desalination stations</li> </ul>
<p><i>Right to a healthy environment</i></p> <p>Hazardous waste treatment centre, controlled landfills, fund for industrial pollution abatement</p>	<p><i>Economic rights and right to employment</i></p> <ul style="list-style-type: none"> <li>• Programme to support private sector; SME line of credit</li> </ul> <p><i>Improvement of living conditions in disadvantaged regions</i></p> <p>Complementary action project in the Rjim Maatoug region</p>	<p><i>Economic rights</i></p> <ul style="list-style-type: none"> <li>• Strengthening of the value chain in the textile sector</li> </ul> <p><i>Promotion of local products</i></p> <ul style="list-style-type: none"> <li>• Training and integration project for young people in disadvantaged areas of metropolitan Tunis</li> <li>• Kasserine water programme</li> </ul>	<p><i>Right to drinking water</i></p> <ul style="list-style-type: none"> <li>• Programme to ensure drinking water supply in rural areas</li> <li>• Water sector investment programme</li> <li>• Watershed management programme</li> </ul> <p><i>Right to higher education</i></p> <p>Bizerte National School of Engineering</p>	

- Negotiated terms and conditions of bilateral loan agreements

Loan agreements are often negotiated bilaterally, with very favourable financial terms and conditions:

- Interest: relatively low, at between 0 and 4 per cent

- Repayment period: between 10 and 40 years
- Grace period: between 3 and 10 years
- Debt restructuring

A number of bilateral lenders have supported the debt-reduction approach, which will allow the State to focus on better realizing and consolidating citizens' rights:

<i>Germany</i>	<i>France</i>	<i>Italy</i>
Two debt write-off agreements signed, in 2012 and 2013, for a total of 60 million euros	Debt write-off agreement signed on 22 January 2016	<ul style="list-style-type: none"> <li>• Matching funds for amended interest rates on Italian Government lending (signed in 2002)</li> <li>• Debt rescheduling agreement (being negotiated)</li> </ul>

18. Concerning the measures taken to guarantee free access to information and transparency in the management of natural resources, Tunisia has taken an important step towards greater transparency in the mining and drilling sector by including over 50 of the country's major oil and gas contracts in the database created by the Ministry of Energy and Mines.

19. Tunisia subscribes to the global trend towards transparency in letting contracts and is on the list of over 25 countries that have disclosed all or part of their oil and gas contracts. As a result, citizens are able to analyse the rules governing the extraction of natural resources, which belong to the citizenry pursuant to article 13 of the Constitution, and the more open access to information on contracts in Tunisia will help to rebuild trust and dispel the misunderstanding surrounding private contracts.

#### **Issue raised in paragraph 8**

20. The State has plans to reform both its tax administration and the customs administration.

##### *Tax administration reform*

21. The tax administration system should enable the State to collect revenue while minimizing the tax burden on taxpayers. The reform will seek to make the tax system more efficient and promote voluntary payment of taxes.

22. Pursuant to the recommendations made by the national forum on taxation in November 2014, the reform should culminate with the integration of all fiscal services into a unified tax administration.

23. In addition, the implementation of an information system that focuses on the taxpayer should make for better management of tax revenue. Enhanced cross-checking of data will strengthen monitoring and audit functions. An integrated information system will also allow the tax administration to build a reputation of being efficient, accurate and reliable, thereby inspiring taxpayers to cooperate voluntarily. This will also help to reduce tax evasion.

24. Efforts to reduce tax evasion are already under way as part of the measures launched under the 2016 Budget Act (e.g., use of cash registers, e-invoicing, establishment of a labour market information system (SIME) for the metropolitan Tunis area, pilot taxation

initiative, code of ethics), but these are only some of the important steps underpinning the effort to combat tax evasion. Action will also be needed in the following areas:

- Review of tax incentives and benefits
- Review of the value added tax
- Review of withholdings for special funds
- Review of local taxes
- Promulgation of a unified tax code

*Modernization of the customs administration*

25. A plan has been adopted for the modernization of the country's customs administration. Its implementation will entail the streamlining of procedures (and their dematerialization), enhanced risk management, redeployment of customs services and a training plan. Among the main initiatives to be launched under this programme is the dematerialization of customs procedures, with 80 to 90 per cent of formalities being performed electronically while ensuring the security of transactions (e-payments and e-signatures) and reducing the number of administrative authorizations.

26. Customs modernization also means simplifying customs duties. Accordingly, the 2016 Budget Act established a two-tier customs duty system: 0 per cent for raw materials, semi-finished products and equipment for which a similar product is not available locally and 20 per cent for finished products. The rates for the first 24 chapters, which concern farm products, were left unchanged until negotiations are finalized with the European Union (the Deep and Comprehensive Free Trade Agreement) and the World Trade Organization.

27. Against this backdrop, the Tunisian State has taken specific measures through the 2016 Budget Act (Official Gazette No. 104 of 29 December 2015, pp. 3141-3145, and pp. 3467 and 3468; see annex 1).

## **Article 2 (2)**

### **Non-discrimination**

#### **Issues raised in paragraph 9**

28. On 14 June 2016, three NGOs — the Tunisian Forum for Economic and Social Rights, the Euro-Mediterranean Human Rights Network and the Committee for the Respect of Rights and Freedoms — together presented to the Assembly of the Representatives of the People a bill on fighting all forms of discrimination.

29. The draft legislation is aimed at eliminating all forms of discrimination on the grounds of race, colour, origin, religion or gender.

30. A press conference was held at the Assembly premises in Le Bardo in the presence of legislators and parliamentary leaders in advance of the legislation's review by the specialized committees.

31. The text sets out a series of coercive measures to be applied to those who perpetrate acts of discrimination as well as mechanisms to ensure the protection of victims.

32. The bill, which comprises 36 articles, is intended to:

- Establish, in line with the Constitution and with international instruments, a legal framework that protects all victims of discrimination

- Criminalize all discriminatory practices and thereby address existing legal gaps
- Put an end to the impunity enjoyed by those who perpetrate acts of discrimination or make discriminatory statements

33. In parallel with this initiative by civil society, a task force has been set up within the Ministry of Relations with Constitutional Bodies, Civil Society and Human Rights with a mandate to review discriminatory policies and legislation in Tunisia and to work with all stakeholders in this sphere.

34. Some of the steps taken to fight discrimination against the most disadvantaged and marginalized groups are described in the following paragraphs.

35. By way of introduction, the Constitution stipulates that all citizens are equal in rights and in duties and that they are equal before the law without discrimination (art. 21).

36. In 2011, the Ministry for Women, Family and Children embarked on action to support and protect women in vulnerable situations. Training programmes were organized for women inmates at the Manouba, El Kef, Sousse and Sfax prisons. Over 90 women have received training under these programmes, which are offered through a partnership arrangement with the Ministry of Justice.

37. Awareness-raising and psychological support activities have similarly been organized through partnerships with associations that are active in this sphere.

38. The Ministry has provided assistance to single mothers by backing associations that organize activities to build capacity and offer psychosocial support.

39. As part of the preparation of the 2016-2020 five-year development plan, the Ministry updated its strategy with regard to support for women with special needs. One of the new priority areas of work is the economic and social insertion of these women through a participatory, integrated approach.

40. Improving the situation of rural women has been the focus of a number of programmes of the Ministry. These women face numerous challenges, including in terms of access to all sorts of services.

41. Accordingly, the Government has been working over the past few years to formulate a strategy for improving the situation of rural women built around the following objectives:

- Identifying and amending discriminatory legislation
- Strengthening economic independence and working conditions for rural women
- Building greater awareness of their rights and stronger participation in local government
- Lowering the high dropout and illiteracy rates among girls and young women in rural areas

42. These objectives seek to better target action to improve the situation of rural women while strengthening partnerships with line ministries and civil society organizations active in efforts to support this group of the population.

#### *Access to education*

43. Despite the advances made in the fight against poverty, the improvement of living conditions and the building of human capacity, some regional gaps and social inequalities continue to exist. They can be attributed to the unequitable distribution of wealth and forms of social injustice that affect in particular the most vulnerable layers of society, but also to

weak performance by the human capital formation system. Education is one of the core pillars of the new Tunisia, which aspires to be a guarantor of rights.

44. As a result of its decision to make schooling free of charge and to make school attendance mandatory from age 6 to age 16, Tunisia has been able to achieve very satisfactory levels of enrolment: nearly 100 per cent for children age 6, for both boys and girls. For the aforementioned age group, which corresponds to the basic education cycle, enrolment rose from 90.1 per cent in 2001/02 to 94.2 per cent in 2014/15, with no significant differences between the two sexes (see annex 2).

45. The State has deployed massive efforts each year to expand school infrastructure with a view to ensuring access to education for all. The construction of new schools, refurbishing of existing schools and expansion of current facilities are part of the work planned and carried out each year. Today, the country has 4,597 primary schools and 1,499 secondary schools.

46. Assistance is provided to ensure transport for students who live in remote areas so that they can attend school. This has been a long-time concern of decision makers in the education sector.

47. Increasing the number of school canteens offering cold or hot meals, especially for students in rural areas, is one of the steps that has been taken to keep children from skipping class and ensure their regular attendance. Education supply in rural areas has also been supported through the remodelling and refurbishing of boarding facilities.

48. With regard to access to higher education, article 6 of Act No. 2008-19 of 25 February 2008 grants access to higher education for holders of a *baccalauréat* or a recognized, accredited foreign diploma; this is based solely on the student's skills and without discrimination.

49. Enrolment in higher education is estimated at 36.9 per cent, which is in line with international standards for the 20-24 age group (see annex 3).

#### *Access to health care*

50. All legislation currently in force, and in particular Decree No. 81-1634 of 30 November 1981, on the internal operating procedures of hospitals, institutes and specialized centres under the Ministry of Health, stipulates that public hospitals and health-care facilities may not establish any form of discrimination among patients with regard to the care provided.

51. To address specific situations of inequality and eliminate discrimination in practice, the Ministry of Health has implemented special measures to ensure that the right to health is enjoyed by all without discrimination. These include:

- Formulating public policies to reduce inequalities and disparities across regions with regard to specialized medical care
- Guaranteeing access of all citizens to public health care
- Ensuring that breast cancer screening is available to residents in remote areas
- Arranging for reasonable accommodation to ensure access to health-care facilities for persons with sensory impairments
- Making accurate health information available to all citizens through flyers, posters and other means so that everyone, in particular those who are most vulnerable, has access to necessary information



- Setting up health centres and facilities where anonymous HIV/AIDS testing is available on a voluntary basis
- Ensuring that both curative and preventive health care is available at schools and universities for all students without discrimination on grounds of geographical location, sector of activity (private or public), sex or nationality

52. These services are offered at nursery schools, primary and secondary schools and universities, basic health centres, public health facilities (second tier) and school and university medical centres.

#### *Access to employment*

53. The Tunisian State has sought to address unemployment, especially among young people, through such initiatives as the Active Labour Market Programme. Since the events of January 2011, action to support employment for young people has increased significantly. These initiatives have been conducted and/or financed by government offices and agencies or by technical and financial partners within the framework of their development aid policies. Such partners include international multilateral organizations, bilateral cooperation agencies, national and international NGOs and the private sector.

54. These programmes and measures are directed at all young people without discrimination.

#### **Issues raised in paragraph 10**

55. Among the programmes and measures taken by the State to combat discrimination against the most disadvantaged and marginalized groups, mention can be made of those indicated below.

56. The National Programme of Assistance for Needy Families (PNAFN) is the main programme providing support to poor families. Launched in 1986, it is countrywide in scope and offers direct financial aid and free access to health care for needy families. It was intended to cushion the negative impact of the structural adjustment programme on which Tunisia embarked in the mid-1980s after a period of strong social instability and turbulence.

57. Under the PNAFN programme, the Ministry of Social Affairs has been providing support to needy families with schoolchildren since 2007 by granting a monthly subsidy of 10 dinars per child in school up to a maximum of three children and a sum of 30 dinars at the beginning of the school year.

58. After the revolution in 2011, the number of beneficiary families under the programme jumped significantly, rising from 135,000 in 2010 to 250,000 in 2016. The subsidy amount was revised upwards, with the aid provided directly to each family currently standing at 150 dinars per month.

59. The historical distribution of beneficiary families by region shows that equity was not a criterion when including poor families in the programme. In an effort to remedy the cumulative effect of targeting errors over the years, the administrations since 2011 have nearly doubled the number of beneficiary families.

60. The financial assistance provided under the PNAFN programme has neither eradicated social injustice nor resolved difficulties in access to decent work, nor has it closed regional gaps in poverty. The programme was never evaluated until 2013, when the Centre for Social Studies and Research (CRES) was entrusted with that task.

61. In parallel with the PNAFN programme, Tunisia launched an affordable health-care programme that was targeted at 650,000 low-income families (AMG2).

62. Aware of the irregularities in the inclusion of needy families and the lack of transparency in the governance of the two programmes at the local level, the Ministry of Social Affairs is currently conducting an in-depth survey of the 900,000 families benefiting from the PNAFN and AMG2 programmes with a view to gathering input for preparing a strategy to integrate these social safety nets as part of a sweeping reform of the system.

*Regional development programmes*

63. The regional development programmes encompass actions mainly in the area of regional infrastructure and aspects such as improved housing, water supply and electric power.

64. Since 2011, when it was decided to double the remuneration paid for regional public works projects, this programme's profile has been raised significantly and it is a source of encouragement for assistance efforts.

**Issue raised in paragraph 11**

65. Since the revolution, there have been some important developments in the area of collective freedoms, namely the freedom of expression, freedom of association and the freedom to form political parties, among others. At the same time, some very old legislation is still on the books that restricts the exercise of some individual freedoms in modern-day Tunisia. The President of the Republic has therefore tasked a commission with preparing a code of individual freedoms intended to prevent all forms of discrimination.

**Issue raised in paragraph 12**

66. Article 48 of the new Constitution, adopted on 26 January 2014, explicitly sets out that the State protects persons with disabilities from all forms of discrimination.

67. The principle of non-discrimination on the grounds of disability is applied in various spheres as described below:

- Right to elections

Decree-Law No. 2011-72 of 3 August 2011 amends, in its article 61, Decree-Law No. 2011-35 of 10 May 2011, on the election of a national constitutional assembly.

The 4 October 2011 decision of the Independent High Authority for Elections establishing procedures to ensure the exercise of the right to vote by voters with disabilities sets out the accessibility accommodation to be made for voters with disabilities in each election.

- Socioeconomic integration

A twinning project with the European Union (Spain and Germany) was conducted over the period 2011-2014 with a view to promoting the socioeconomic integration of persons with disabilities. One of its outcomes was a national strategy for the promotion of persons with disabilities; the related action plan will be implemented in cooperation with Italian partners.

- Employment

Act No. 20124 of 22 June 2012 amended provisions on recruitment in the public sector, and Decree No. 2012-833 of 20 July 2012, on the recruitment of persons with disabilities in the public sector, was adopted on the basis of Framework Law No. 2005-83 of 15 August 2005 on the promotion and protection of persons with disabilities.

Act No. 201641 of 16 May 2016 amending Framework Law No. 2005-83 increased the hiring quota for persons with disabilities.

- Education

Since 2011 all Tunisian schools are under the inclusive education structure, with the programme having been moved to the Ministry of Education.

The Ministry of Social Affairs provides support to schoolchildren with disabilities in the form of specialized monitoring and any necessary technical aids, such as eyeglasses, hearing aids and wheelchairs.

Specialized centres offer differentiated services for schoolchildren with disabilities. They also admit children for whom inclusive schooling presents special problems; schooling for these children is provided by multidisciplinary teams.

A sector-level agreement among groups working to protect persons with disabilities was signed and entered into force in October 2013. Under the agreement, the specialized education centres were restructured with a view to enhancing the quality of services provided.

- Reasonable accommodation

A pilot project on inclusive development was carried out in the Mannouba and Menzel Bourguiba regions. Works were undertaken to accommodate the physical environment at public and private facilities to improve accessibility for persons with disabilities.

A handbook on accessibility was prepared, including a map of accessible services.

A manual on accessibility standards was prepared and distributed widely in the public and private sectors.

The Ministry of Social Affairs is currently engaged in an effort to ensure proper accommodation of social services throughout the national territory with a view to universal accessibility. Meetings began early in 2016 to coordinate work among several government offices and agencies with the idea of raising awareness and getting them on board to make their services accessible.

### **Article 3**

#### **Equal rights of men and women**

##### **Issues raised in paragraph 13**

68. The adoption of the Constitution on 27 January 2014 opened up a number of new horizons, in particular as a result of articles 21, 34 and 46, which assured women equal standing with regard to socioeconomic and political rights and stipulated measures for combating discrimination and gender-based violence.

69. A comprehensive law to prevent and punish gender-based violence and protect women is currently under consideration.

70. On 24 October 2011, Tunisia promulgated Decree-Law No. 103 removing the reservations formulated by the Government of Tunisia in 1985 at the time of ratification of the Convention on the Elimination of All Forms of Discrimination against Women. Tunisia sent the respective notification to the Secretary-General of the United Nations on 17 April 2014.

71. Within the government, a number of structures and units have been established since the 1990s to mainstream the gender perspective, such as the Ministry for Women, Family and Children.

72. As part of the overall effort to combat discrimination, and in particular discrimination on grounds of gender, the Ministry for Women undertook a review in 2015 of the national plan for gender mainstreaming. In 2016, a decree was issued establishing a council of peers on gender equality under the Office of the President.

73. In late 2015, the Government began preparing the 2016-2020 five-year development plan. As the first strategic road map of the post-revolution period, the plan serves as an important anchor for the transition to democracy.

74. The plan's overview emphasizes the following aspects:

- Operational planning focused on providing care and protection for women victims of violence and stronger networking and coordination among the various actors in this sphere
- Preparation of a comprehensive communication plan to fight gender-based violence
- Finalization of the relevant legal framework, namely enactment of legislation to prevent and punish violence against women
- Mainstreaming of the gender approach as a tool for gauging inequality and maximizing the effectiveness of development programmes and their impact in terms of improving the situation of women
- Promoting an active role for women in civil society
- Commissioning of studies on the status of women to gain a better understanding of their situation, together with strengthening of the Centre for Research, Studies, Documentation and Information on Women (CREDIF) and its equal opportunities monitoring unit

75. The Ministry for Women, Family and Children, pursuing a participatory approach through its sectorial commission, which is subdivided into thematic subcommissions, has set the following objectives for the period 2016-2020:

- Identify and amend discriminatory legislation with a view to harmonizing national legislation with the provisions of the Constitution and the international commitments assumed by Tunisia
- Strengthen entrepreneurship among women and increase their participation and role in the workplace
- Expand the role of women in the government and in local governance as well as in the social and cultural spheres
- Consolidate the national strategy to combat violence against women, in particular through enacting legislation to prevent and punish violence against women, establishing diversified, appropriate services to provide care under an integrated, intersectoral approach and intensifying advocacy and community awareness activities with a view to eliminating gender-based violence
- Mainstream the gender perspective in public policies, programmes and budgets at both the regional and central levels
- Ensure that women with special needs are taken into account in the socioeconomic integration effort

- Bring down the high illiteracy and school dropout rates among girls and women, in particular in rural areas
- Raise awareness of women's rights and principles of citizenship among women, especially in rural areas

## **Issues relating to specific provisions of the Covenant**

### **Article 6**

#### **The right to work**

##### **Issue raised in paragraph 14**

76. A study conducted in 2015 revealed that some 83 programmes were in place to support employment for young people. The programmes fell into four general categories. The first category was skills training, which offered supplementary skills building in a broad range of areas to make up for gaps in the training provided by the formal education system, together with a set of measures to address problems related to the shortcomings in training. The second category was promotion of entrepreneurship, which sought to open up opportunities for young entrepreneurs by offering a gamut of technical, financial and training support measures to help them launch their own businesses. The third category was employment support services, which comprised access to information, guidance and advisory support, and financial incentives to increase the demand for hiring young people while eliminating discriminatory practices. The fourth category was subsidized employment, which was made available to young job-seekers together with jobs in the public works sector.

##### **Issue raised in paragraph 15**

77. Details on women's participation in the labour market across the various sectors of economic activity are provided in annex 4.

78. According to the national survey of population and employment conducted by the National Statistics Institute in 2014, Tunisia has an economically active population of over 3.8 million persons. The rate for women stood at 28.5 per cent, compared with 24 per cent in 2004. The Ministry for Women, Family and Children has confirmed that this rate remained the same in 2016 and is expected to reach 35 per cent by the year 2020, which is in line with targets under the 2016-2020 five-year development plan. The survey data show that two thirds of economically active women are concentrated in three main sectors, namely agriculture, textiles and services.

##### **Issues raised in paragraph 16**

79. The informal sector is defined as those irregular activities which, when performed illicitly, constitute an evasion of tax rules, labour legislation and commercial law. These may be legal activities that are to be performed by persons authorized to engage in them but which have aspects that bring them under the heading of the informal sector, for instance, non-payment of income tax, failure to pay social security contributions or failure to observe certain administrative procedures.

80. One of the main causes underlying informal work in Tunisia is the slow pace of creation of formal employment owing to sluggish economic growth, unemployment, non-enforcement of the law and low education levels of workers, compounded by the transition that Tunisia is going through and that situation's fallout in economic terms.

81. With regard to the steps taken by the State to improve working conditions in various sectors of activity, including the informal sector and agriculture, mention can be made of the various commitments, guidance and content covered by the social contract signed on 14 January 2013. That key measure, once implemented, will prepare the way for a new development model that will have an impact in a number of areas, such as:

- Revision of fiscal policy to make it more equitable and transparent while seeking to ease fiscal pressure on wage earners and vulnerable groups of society as well as on businesses that are managed transparently, and the need to reduce tax evasion
- Action to support the gradual migration of the informal sector towards the formal sector by organizing appropriate professional training

82. In reference to agriculture, a framework collective agreement governing labour relations in the sector was signed on 12 May 2015 between the workers' union Tunisian General Labour Union and the employers' organization Tunisian Agriculture and Fisheries Union. The agreement is intended to stimulate the agricultural sector and guarantee sector workers a set of fundamental rights, such as the right to organize, representation in the workplace, and the promotion and protection of health and safety in the workplace. This agreement will lead to the signing of other sector-level agreements that will result in the agricultural sector becoming a net creator of job opportunities.

## **Article 7**

### **The right to just and favourable conditions of work**

#### **Issues raised in paragraph 17: minimum wage**

83. In Tunisia, there is a guaranteed general minimum wage for non-agricultural work in occupations governed by the Labour Code (SMIG) and a guaranteed minimum wage for agricultural work (SMAG). The levels of these two minimum wages are set by decree for workers who are 18 years or older, regardless of their sex.

84. There is no wage level below the minimum wage. For businesses whose activity is governed by sector-level collective agreements or establishment agreements, the agreed minimum wage cannot be lower than the SMIG. The minimum wage paid in the public sector (civil service or State enterprises) is significantly higher than the SMIG.

85. The minimum wage goes up each year. Between 2000 and 2015, the SMIG rose an average of 4.1 per cent per year; in 2015, it was increased by 5.65 per cent. The SMAG has risen at about the same rate as the SMIG, except in 2012, when there was a levelling of the daily pay rate of SMIG recipients with the daily rate of SMAG recipients (30 per cent increase in the SMAG).

86. Between 2005 and 2015, the SMIG grew by 50.81 per cent and the SMAG by 88.28 per cent.

87. With regard to the difficulties encountered in monitoring compliance with minimum wage legislation, in particular in the informal economy, it should be noted that those difficulties stem from the fact that the various oversight bodies — namely, the Labour Inspection Service, the Labour Medical Inspection Service and the National Social Security Fund's inspectors — are not authorized to involve themselves with this category of labour because of the nature and diversity of the sector's activities, on the one hand, and the reticence of employers to observe social insurance rules and regulations, on the other.

### **The textile and garment industry**

88. In terms of number of jobs, this remains the primary manufacturing sector in Tunisia. During the period 2011-2015, a total of 506 businesses were created, generating some 40,000 jobs and bringing the total number of businesses to 1,769 with nearly 175,000 persons employed, according to the most recent data of the Ministry of Industry.

89. Concerning working conditions in the sector, labour relations are governed by two sector-level collective agreements, namely the textile workers agreement and the knitting and sewing workers agreement. These women generally enjoy all fundamental rights, including the right to organize, representation in the workplace, promotions, legal wages and maternity leave.

90. With regard to work-related accidents, article 1 of Act No. 94-28 of 21 February 1994, on compensation for harm or injury resulting from work accidents and occupational illnesses, establishes that compensation is to be paid to victims or their beneficiaries. In the event of temporary disability subsequent to a work accident, the victim is entitled to a daily indemnification equal to two thirds the normal daily pay regardless of how long the period of disability lasts. The working day on which the accident occurred is entirely the responsibility of the employer.

91. Pursuant to article 42 of the Act, any worker who is left with a permanent disability level of 15 per cent or greater is entitled to an annuity. If an employee dies as a result of a work accident, the spouse and children — or, if none, his or her ascendants and descendants — receive a survivor pension.

#### *Information on working conditions in the textile industry, especially for female workers*

92. The textile and garment industry comprises over 2,000 businesses and employs some 250,000 workers. The activities are very typified (weaving, spinning, sewing etc.), and the work is highly repetitive and postural stress can be considerable. The workforce is made up almost entirely of women from very modest socioeconomic strata. Living conditions outside the factories are often difficult: numerous children to care for, heavy domestic work burden and, often, long commute distances. It is a widespread phenomenon in the employment world that there is a significant drop in a woman's productivity after she gets married, after the birth of the first child and, even more so, after successive births. This has a direct impact on their well-being at work and their quality of life in general. In that connection, there has been a steady increase in the number of cases of occupational illness, in particular musculoskeletal disorders in the garment industry and mainly among women (63 per cent). These disorders have become the leading occupational illness reported in Tunisia (70 per cent).

#### *Steps taken to give effect to the conventions ratified by Tunisia*

93. The steps taken to give effect to the conventions ratified by the State in the areas of workplace health and safety include workplace hygiene, health and safety inspections of companies subject to the Labour Code. Some 8,000 visits are conducted across all industries each year; based on those visits, reports are prepared on the failings and shortcomings identified and recommendations are made to implement legislation, including ratified international conventions, and regulations.

94. Efforts and measures on the prevention side are lacking, but written warnings and notices of violation are issued. However, they are not common (only a few dozen have been issued so far) and, given the difficult socioeconomic conditions faced by companies, the penalties are far from commensurate with the seriousness of the offences from the standpoint of occupational risk prevention.

95. Occupational health inspectors, who number 0.42 for every 15,000 workers, run information, awareness-raising and training sessions for the members of workplace health and safety committees and help to organize local, regional and national events on aspects of prevention that are specific to certain sectors, categories of workers or risks.

96. The Government is considering ratifying International Labour Organization (ILO) Conventions Nos. 155, 161 and 187 as part of efforts to promote workplace health and safety in accordance with the social contract signed by the Government, the Tunisian Union for Industry, Trade and Handicrafts, and the Tunisian General Labour Union.

*Compensation received by employees and their families for work-related accidents*

97. Article 20 of Act No. 1994-28 of 21 February 1994 regarding compensation for damages resulting from work accidents or occupational illness stipulates that victims are entitled to:

- The medical care that their condition requires
- Daily allowance to cover loss of earnings
- Prosthetic and orthopaedic appliances, in the event of permanent incapacity to work and where appropriate and justified, and monetary compensation in the form of an annuity payable to their beneficiaries, in the event of death
- A lump sum to cover funeral expenses payable to their beneficiaries, in the event of an accident resulting in death

98. Similarly, article 9 of Act No. 95-56 of 28 June 1995 regarding compensation for damages resulting from work accidents or occupational illness in the public sector stipulates that victims are entitled to:

- The medical assistance and care that their condition requires
- The continued payment of wages for the duration of their temporary incapacity to work
- Monetary compensation in the form of a grant or annuity payable to their beneficiaries, in the event of death and pursuant to the provisions of the Act
- Prosthetic and orthopaedic appliances, in the event of permanent incapacity to work and where justified

99. Regarding compensation for work-related accidents, it should be noted that coverage against the risk of work-related accidents was one of the first branches of social security to be developed in Tunisia. A system has been put in place in the private sector to compensate victims or their beneficiaries for harm resulting from work accidents or occupational illness. The National Health Insurance Fund is responsible for managing the system.

100. Act No. 94-28 of 21 February 1994 overhauled the system of compensation for work accidents or occupational illness, particularly in the private sector.

101. The system's scope of application extends to all workers or persons of equivalent status employed by natural and legal persons, in all their forms and regardless of the nature of the job, the worker's status or the method of remuneration.

102. It is also applicable to:

- Trainees and apprentices
- Students enrolled in vocational or professional education or training, regardless of their specialization or degree, provided that the industrial accident is directly linked to the educational or training programme



- Prisoners, in the event of accidents arising from work or occurring during work carried out as part of the legitimate use of the prison labour force
- Workers on national or local development projects and domestic workers

103. It is also applicable to persons sent on assignment or placement abroad by their employer, with the exception of cases in which the accident is due to reasons unrelated to the purpose of the assignment or placement, and provided that they are not covered in the host country by a system of compensation that is at least as favourable as the one established by the Act.

104. Victims of work-related accidents are entitled to:

- The medical care that their condition requires
- Daily allowance to cover loss of earnings, calculated on the basis of the victim's daily wages on the date of the accident
- Prosthetic and orthopaedic appliances, in the event of permanent incapacity to work and where appropriate and justified, and monetary compensation in the form of an annuity payable to their beneficiaries, in the event of death
- A lump sum to cover funeral expenses payable to their beneficiaries, in the event of an accident resulting in death

105. In the public sector, officials of the State, local authorities and public administrative bodies affiliated to the National Fund for Pensions and Social Security, with the exception of members of the military and of the internal security forces, are covered by a separate system.

106. Victims of work-related accidents are entitled to:

- The medical assistance and care that their condition requires
- The continued payment of wages for the duration of their temporary incapacity to work
- Monetary compensation in the form of a grant or annuity payable to their beneficiaries, in the event of death
- Prosthetic and orthopaedic appliances, in the event of permanent incapacity to work and where justified

107. The management of this system of compensation falls under the responsibility of:

- The employer, when it comes to the continued payment of wages and the provision of assistance and care
- The National Fund for Pensions and Social Security, when it comes to the payment of compensation to victims, in the event of permanent incapacity to work, or to their beneficiaries, in the event of death

108. The costs deriving from the system are borne by the employer, who reimburses the National Fund for the compensation paid out.

#### **Issues raised in paragraph 18**

109. Concerning the revision of article 226 of the Criminal Code, a commission to reform the Criminal Code was created in 2014 and is currently reviewing the Code in order to bring it into line with the new Constitution, with due regard for international standards.

110. Moreover, in the context of the bill on combating violence against women, there is a proposal to review article 226 so as to protect women victims of sexual violence and to put an end to any potential impunity for aggressors.

**Issue raised in paragraph 19**

111. As part of the reform of the Tunisian civil service, a series of changes will be implemented, including with regard to leave arrangements.

**Issue raised in paragraph 20**

112. Economic free zones were converted into customs-exempt business parks pursuant to article 1 of Act No. 2001-76 of 17 July 2001.

113. Tunisians who work for companies based in these parks enjoy all the rights set forth in national legislation, with the exception of the right to a permanent contract and of all the rights flowing from it. Article 23 of Act No. 92-81 of 3 August 1992 stipulates that contracts of employment between workers and companies based in a customs-exempt business park are considered in all cases to be fixed-term contracts irrespective of their form, duration or implementation arrangements.

**Article 8**

**Trade union rights**

**Issues raised in paragraph 21**

114. Trade unionists who hold a mandate are granted protection that enables them to spend some of their working hours fulfilling their mandate. In addition, their contract can be terminated only with the agreement of the director general of the labour inspectorate, in order to prevent any abuse by employers. As union representatives, they are also given time to undertake trade union training. This protection is guaranteed by legislation (arts. 166 and 169 ter of the Labour Code), specific collective agreements (54 sectoral agreements) and the Framework Collective Agreement.

115. The new Constitution of 26 January 2014 strengthens trade union rights by giving them constitutional rank for the first time (arts. 35 and 36).

116. Following the ratification of ILO Convention No. 135 on workers' representatives, the Labour Code was amended by Act No. 2007-19 of 12 April 2007 in order to bring domestic legislation into line with that Convention.

117. Over the last five years, several trade unions have been formed. There are five major workers' organizations: the Tunisian Labour Organization, the General Confederation of Tunisian Workers, the Tunisian Workers Union, the Tunisian General Labour Union and the Tunisian Workers League, which is the latest to have been established. There are also several trade unions representing specific industries.

118. When registering, trade unions are required to submit only their statute and a complete list of persons assigned roles within the administration or management. There is no legal requirement to disclose the number of members.

**Issue raised in paragraph 22**

119. Article 49 of the Tunisian Constitution provides that: "The limitations that can be imposed on the exercise of the rights and freedoms guaranteed in this Constitution will be established by law, without compromising their essence. Any such limitations can be put in place only for reasons necessary to a civil and democratic State and with the aim of

protecting the rights of others, or based on the requirements of public order, national defence, public health or public morals, and provided there is proportionality between these restrictions and the objective sought. The judicial authorities ensure that rights and freedoms are protected from all violations.”

120. Consequently, given that the right to strike is provided for in article 36 of the Constitution, a limitation can be imposed on its exercise only if the three conditions set out in article 49 are met, in other words:

- It must be established by law.
- It must be imposed with the aim of protecting the rights of others or based on the requirements of public order, national defence, public health or public morals.
- There must be proportionality between the limitation and the objective sought.

121. The Tunisian Government has not yet promulgated a decree establishing the list of essential services, even though article 381 ter of the Labour Code provides that the list is established by decree.

## **Article 9**

### **The right to social security**

#### **Issues raised in paragraph 23**

122. Like most countries in the world, Tunisia has developed a social protection system composed of a contributory pension scheme and a non-contributory scheme comprising a range of social assistance and promotion programmes aimed at improving the living conditions of disadvantaged groups and at combating poverty, insecurity and social exclusion.

123. In Tunisia, there are two main non-contributory social assistance programmes:

- The National Programme of Assistance for Needy Families is one of the most extensive programmes in terms of the population and geographical area covered. It was launched in 1986 and provides needy families and older persons who have not made social security contributions with 150 dinars a month in direct cash benefits, plus 10 dinars a month for every child enrolled in school up to a maximum of three children.
- The National Programme of Health Coverage for Poor and Low-Income Families has been running since 1998. Under the Programme, families receive a card entitling them either to free health care (235,000 families in 2014) or to low-cost health care at public health establishments for a modest, fixed annual fee (602,000 families).

124. These two programmes are funded through the national budget.

125. As to whether or not people who have never worked in the formal sector, or who have worked in it for only a limited period, receive a pension, it should be noted that the Tunisian social security system provides coverage to workers who are in a formal employment relationship. Coverage under a social security scheme is linked to the exercise of an activity in the formal sector. Although they are legally covered, workers in the informal sector cannot, therefore, receive a pension under the compulsory social insurance scheme. However, persons who have worked for a limited period in the formal sector are entitled to an old-age pension provided that they meet certain conditions: they must be at least 60 years of age, must have made at least 120 months' worth of actual or credited contributions and must not exercise a professional activity covered by a separate social security scheme.

126. The minimum age limit of 60 years may be lowered to 55 years for certain categories of persons who have been engaged in physically demanding or hazardous work.

127. The old-age pension is equivalent to 40 per cent of the individual's average earnings on which contributions were payable during the three or five years prior to the attainment of pensionable age.

128. Workers who have made at least 60 months' worth of actual or credited contributions and are aged 60 or older receive an adjusted pension calculated on the basis of the pension to which they would have been entitled if they had made the minimum of 120 months' worth of contributions, prorated for the total number of months paid in vis-à-vis the number of months required for pension entitlement.

129. Workers who have made under 60 months' worth of contributions receive a one-time payment equal to the amount deducted from their salaries as pension contributions.

130. With regard to women who have stayed out of the labour market to take care of their family, women workers who have at least three living children and have made at least 180 months' worth of validated contributions may retire at any age, though they are not entitled to receive a pension until they reach age 50.

#### **Issues raised in paragraph 24**

131. By law, the social security system covers all sectors of activity and nearly all socio-occupational categories thanks to the fact that, over the years, various social security schemes have been put in place that take into account the ability of each category of workers to contribute and thereby ensure that those workers have the financial means to access public social security (see annex 5).

132. The social security system thus covers all socio-occupational categories, including workers in the informal sector and domestic workers, who are covered under a specific scheme for low-income workers introduced in 2002. Homeless persons are covered by the social assistance programmes mentioned above.

133. In 2015, the social security system provided effective coverage to an estimated 83.6 per cent of the labour force in the public and private sectors but only limited coverage to low-income categories, such as agricultural workers, domestic workers, workers in precarious employment and migrant workers.

134. In order to improve the targeting of beneficiaries under social assistance and promotion programmes (i.e., reduce inclusion and exclusion errors) and to ensure good governance of social security schemes with the aim of extending effective coverage to all categories of workers, an overhaul of the whole social security system is necessary and must go hand in hand with all the reforms and initiatives undertaken as part of a post-revolutionary development strategy that is harmonious and integrated at all levels.

135. The adoption of the new Constitution, in particular article 38, which guarantees the right of all persons to health and social security coverage, and the social contract signed by the Government and social partners in 2013, which is itself based on the values of democracy and social justice, offer a unique opportunity to enhance the relevance, effectiveness and efficiency of the social security system with a view to promoting global and inclusive development (see annex 6).

136. In order to achieve these objectives, a tripartite social protection subcommittee has been created, bringing together representatives of the signatory parties to the social contract (the Government, the Tunisian General Labour Union and the Tunisian Union for Industry, Trade and Handicrafts).

137. As part of the implementation of the ILO Social Protection Floors Recommendation, 2012 (No. 202), and as part of a coherent, forward-looking vision for social inclusion through the introduction of a fair and inclusive development model, a project has been launched to establish a national social protection floor. The project is one of the priorities of the country's 2016-2020 five-year development plan. It aims to guarantee, inter alia, a stable income for all citizens, universal coverage against illness and decent housing for every family in order to combat poverty and reduce social injustice among different socio-occupational categories, regions and generations.

138. Discussions are ongoing to determine what guarantees the floor should provide on a priority basis (the package of services to be offered vertically and horizontally).

#### **Issue raised in paragraph 25**

139. Social security schemes in Tunisia are free from all forms of discrimination. Under the law, women enjoy all the same rights as men.

140. Measures have been and are being taken to guarantee women's access to social security. For example, a communication strategy has been formulated to disseminate a culture of social security, particularly in the informal sector and in rural areas, through the organization of awareness-raising campaigns and the creation of community-based mobile social security teams. There are also plans to review existing legislation in order to adapt it to the specific nature of the work carried out by casual agricultural labourers and by all other categories of workers not covered by the social security system as part of the overall reform of social security schemes provided for in the social contract.

#### **Issues raised in paragraph 26**

141. The reform process began on 1 July 2007, when the health-care components of the various social security schemes were combined in a new scheme offering the same services to all insured parties at a standardized contribution rate. Under the new scheme, access to private health care, which had not been allowed for under the compulsory health insurance scheme, is possible through an agreement governing the relationship between the National Health Insurance Fund and private-sector health-care providers.

142. The health insurance scheme in Tunisia is managed by the National Health Insurance Council, which was set up pursuant to the same law and brings together all the actors in the system. The Council is tasked with conducting periodic assessments of the scheme and with proposing the remedial measures needed to ensure good governance.

143. In 2015, the scheme provided health cover for an estimated 4,159,350 individuals (both active and retired, without counting their beneficiaries), of whom 1,075,233 had public-sector insurance and 3,084,117 had private-sector insurance.

144. The Tunisian health insurance system includes two other complementary pillars, namely:

- Medical assistance for vulnerable persons
- Complementary health cover provided by insurance companies and mutual societies

145. Medical assistance is provided under specific schemes for poor and uninsured persons (free or low-cost treatment) managed by the Ministry of Social Affairs.

146. Specific categories of persons, including older persons, poor families with dependent children and chronically ill persons, have been identified as priority groups to receive access to health cover. The relevant legislation has been reviewed in order to guarantee them this right.

147. Persons with disabilities receive free health care in accordance with the legislation in force.

148. Free treatment and hospital care at public health facilities is also accorded to all persons targeted by prevention campaigns and all persons having contracted an epidemic disease.

149. With regard to complementary health cover, agreement-based schemes were developed over the years to remedy the shortcomings of basic schemes. These schemes, which are managed by group insurers and mutual societies, cover the services not covered by basic schemes or the portion of the health-care costs borne by insured parties.

150. As noted above, the project to establish a national social protection floor, which is one of the priorities of the 2016-2020 five-year development plan, attests to the authorities' concern and resolve to achieve universal health coverage in Tunisia.

151. Regarding the point about health insurance for workers who are made redundant, the Tunisian State pays particular attention to workers who have been made redundant for economic or technological reasons or as a result of the unforeseen or illegal closure of their employer without Labour Code procedures being followed. Social protection mechanisms have been put in place that, with regard to health insurance, protect the right to health care for an additional year so as to ensure that workers who are made redundant have a minimum level of coverage until they return to work.

152. In accordance with the provisions of the social contract, there are plans to establish a redundancy insurance scheme, under which an independent fund would be used to cover workers who are made redundant for economic or technological reasons or who lose their jobs in circumstances beyond their control as a result of the unforeseen and definitive closure of the company that employed them. The scheme will be funded equally and on a tripartite basis by employers, workers and financial support from the State.

## **Article 10**

### **Protection of the family, mothers and children**

#### **Issues raised in paragraph 27**

153. A process has been under way since 2014 to adopt a bill on violence against women. This has involved:

- Preparing an analytical study of the country's legal framework and international law as they relate to the question of prevention and the protection of women against all forms of violence
- Appointing a multidisciplinary advisory committee to draft the bill
- Organizing a series of regional consultations
- Organizing a civil society forum to provide information on the process and the approach recommended for the drafting of the bill
- Organizing a national seminar at the National Constituent Assembly on 13 August 2014 to discuss the progress of the bill with a view to keeping the representatives of the people informed and involved and thus promoting its adoption
- Preparing a first draft, which is currently being revised and finalized

154. The Ministry for Women, Children and the Family is currently at the stage of finalizing the draft with a view to submitting it to the Assembly of the Representatives of the People as soon as possible.

155. A plan to promote, publicize and raise awareness of the bill is in the course of preparation.

156. With regard to articles 218 and 319 of the Criminal Code, which provide for the withdrawal of a case and the termination of any prosecution, trial or enforcement of penalty, it should be noted that such withdrawal cannot be undertaken by all women victims of violence but only by a victim who is an ascendant or a spouse.

157. Nonetheless, it may be noted that a commission established in 2014 to reform the Criminal Code is currently reviewing the provisions of the Code in order to bring it into line with the provisions of the new Constitution, with due regard for international standards.

158. Moreover, it is proposed, in the context of the bill on violence against women, to review the provisions of these two articles in order to address the need to protect women victims of such sexual violence and to eliminate any possible impunity for the aggressor.

159. With regard to the measures taken to avoid any stigmatization of victims of violence and to ensure that no pressure is put on them to withdraw their complaints or agree to a reconciliation procedure, a project to provide support facilities for women victims of violence has been launched by several of the ministries concerned, including the Ministry of Justice. The aim of the project is to establish intersectoral protocols on the provision of support facilities that will apply to each of the relevant ministries, after which they will conclude an intersectoral networking agreement. The area chosen for the pilot project is the district of Ben Arous.

160. With regard to restraining orders or other measures to protect women victims of violence, it should be noted that no such provisions exist under Tunisian law. In order to remedy this legal gap, the bill on violence against women will contain provisions to this effect.

161. Statistics on court decisions and prosecutions in cases of domestic violence are provided in annex 7. It should be noted that women victims of violence can receive compensation through a civil action or by joining a criminal prosecution as a civil plaintiff. A number of judgments under that heading have been handed down.

#### **Issues raised in paragraph 28**

162. Concerning the practice of entering into customary or *orfi* marriages as a way to circumvent the ban on polygamous marriages, it should be noted that article 18 of the Personal Status Code provides: "Polygamy is prohibited. Any married person who contracts another marriage before the previous marriage is dissolved shall be liable to one year's imprisonment or a fine of 240,000 francs, or both, even if the new marriage has not been contracted in accordance with the law. The same penalties shall apply to a person who, having contracted a marriage not in accordance with the provisions of Act No. 57-3 of 1 August 1957 (4 Moharem 1377) governing marital status, concludes a new marriage and continues to live with his or her first spouse. The same penalties shall apply to a spouse who knowingly enters into marriage with a person falling within the provisions of the preceding two paragraphs. Article 53 of the Criminal Code shall not be applicable to the offences covered in this article."

163. Moreover, although not in relation to polygamous marriage, article 31 of Act No. 57-3 of 1 August 1957 (4 Moharem 1377) governing marital status provides that "[a] marriage in Tunisia shall be contracted before two notaries or before the Registrar in the presence of two reputable witnesses. The marriage of a Tunisian to a foreigner shall be conducted before a diplomatic or consular officer of Tunisia, or in accordance with local law."

164. In addition, as punishment for the violation of this article and thus for the conclusion of a customary marriage, article 36 of the same Act provides that “a marriage that is not concluded in accordance with article 31 above shall be void. The two spouses shall, moreover, be liable to a penalty of three months’ imprisonment. Where criminal proceedings are initiated under the provisions of the preceding paragraph, there shall be a single ruling on the offence and on the invalidity of the marriage. Spouses whose marriage is declared void and who continue or resume their life together shall be subject to a penalty of six months’ imprisonment.”

165. “Article 53 of the Criminal Code (Option for a judge to reduce a punishment) shall not apply to offences under this article.”

166. Judgments imposing these punishments have been handed down accordingly.

167. As for the application of the age limit of 18 years, article 5 of the Personal Status Code provides that “the two future spouses must not be subject to any of the impediments provided for by law. Neither of the future spouses may contract marriage before the age of 18 years. Below this age, marriage cannot be contracted unless there is special authorization granted by a judge, who will do so only for compelling reasons and in the clear best interests of the two future spouses.”

168. As for the provisions of article 227 bis, it should be noted that the commission established in 2014 to reform the Criminal Code is currently reviewing the provisions of the Code to bring it into line with the provisions of the new Constitution, with due regard for international standards.

169. Moreover, it is proposed, in the context of the bill on violence against women, to review the provisions of this article in order to address the need to protect women victims of such sexual violence and to eliminate any possible impunity for the aggressor.

170. Following its finalization by the Ministry of Justice and its acceptance by the Government, the bill on human trafficking was submitted to the Assembly of the Representatives of the People at the end of 2015. The Assembly committee responsible for general legislation has just approved the bill, subject to certain clarifications that it has requested from the Ministry of Justice before the bill can be submitted to the Assembly in plenary.

171. In addition, the Ministry of Justice set up a provisional commission at the beginning of 2015 to determine the basic principles of a national strategy to combat human trafficking. The commission is made up of representatives of the relevant ministries and various sectors of civil society. It is expected that the draft will be approved and that the national commission provided for in the bill will be established.

#### **Issues raised in paragraph 29**

172. The Labour Code contains exceptions to the provisions limiting work by children under 16 years of age, as set out in articles 55, 56 and 57 and amended by Act No. 96-62 of 15 July 1996. These exceptions provide that:

- Children aged 13 years may undertake light agricultural work (art. 55)
- Children aged 13 years may engage in light work that is not harmful to their health (art. 56)

173. It should be noted that the work inspection and conciliation services have not received any requests for a licence to employ children under the legal age, nor have they issued any licence since these articles were amended in 1996, in line with the first principle set out in the National Plan of Action to Combat Child Labour 2015-2020, relating to the



“strengthening and harmonization of the legislative and institutional frameworks” to combat child labour:

- Amendment of the Labour Code and the Domestic Servants Act to address the gaps in the law that allow children to be exploited, particularly in family farming enterprises
- Prohibition of dangerous work for children under 18 years
- Amendment of the Domestic Work Act and the adoption of instruments on the activities of labour inspectors and social workers

*Support measures for at-risk children and young people*

- A network of social protection institutions has been set up, consisting of:
  - Twenty-one social protection and inclusion centres, with a further three under construction
  - A child protection centre
  - Three support and orientation centres, in Tunis, Sousse and Sfax
  - Two centres for the protection of at-risk children, in Tunis and Sidi Bouzid
  - A social observation centre for children in conflict with the law

174. The social protection and inclusion centres are day centres responsible for the early detection of conditions and situations liable to lead to offending and social maladjustment. They develop surveillance systems and mechanisms for data collection and processing relating to different kinds of maladjustment and they carry out multidisciplinary studies in this area. The centres are also responsible for contributing to the supervision and education of young people who offend or are at risk of offending and for providing follow-up action designed to further their social adjustment.

175. The persons attending the centres are children at risk within the meaning of article 20 of the Child Protection Code for the following reasons:

- Loss of parents, where the child is left without family support
- Exposure of a child to negligence or vagrancy
- Manifest, ongoing lack of education and protection, together with habitual ill-treatment
- Sexual exploitation of a child, whether boy or girl
- Exploitation of a child in organized crime within the meaning of article 19 of the Child Protection Code
- Exposure of a child to begging and the economic exploitation of a child
- Inability of a child’s parents or guardian to protect and educate the child

176. In addition to dealing with psychosocial issues and reintegrating children at the family, social, educational and even economic levels, the centres increasingly adopt a community-based approach by providing street children with hands-on support.

177. Child social protection centres provide shelter for children in difficult situations or at risk within the meaning of article 20 of the Child Protection Code, as identified by family court judges or child protection officers. They meet the essential needs of the children and provide the appropriate social, psychological, health and educational support. They also

work in partnership with the various stakeholders to ensure the reintegration of the children in their care at the family, educational and vocational levels.

178. Child social observation centres are responsible, in particular, for providing shelter for children in conflict with the law, as identified by the children's courts, and for arranging assessments of their personalities by experts in the social sciences, psychology, education and medicine, with a view to identifying the motives for their offending and finding effective ways of rehabilitating them.

179. These centres are also required to submit a report containing the specialists' assessment to the relevant court before any decision is handed down.

180. In addition to establishing the institutional social protection network and implementing programmes to address poverty and promote the social, educational and economic integration of persons with disabilities, the Ministry of Social Affairs, working with the relevant ministries and civil society, runs a number of programmes (see annex 8).

#### *Action against child labour*

181. The National Action Plan against Child Labour in Tunisia 2016-2020 has been drawn up with a view to gaining a better understanding of the incidence of child labour in Tunisia and putting in place systems, structures and capacities to monitor and reduce it in an effective and sustainable manner by 2020.

182. The strategic objectives of the Plan are to:

- Strengthen the country's legislative framework and improve the implementation of the law in order to better control and prevent child labour
- Ensure national coordination
- Improve understanding of the child labour situation
- Take direct protective and preventive action on child labour
- Strengthen the intervention and coordination capacities of national institutions in order to address child labour more effectively
- Strengthen the roles of education and vocational training to address child labour

183. The Ministry of Youth and Sports, aware of the devastating effects of the recruitment and enrolment of young Tunisians by terrorist groups, drew up an emergency response programme as soon as the first reports of such activities started appearing.

184. This programme uses all the data provided by statistical bodies and surveys, including the National Institute of Statistics and the National Youth Observatory, in order to mobilize national and international actors and to disburse the necessary funds to draw up a national counter-terrorism strategy designed by State bodies, civil society, NGOs and young people themselves.

185. The Ministry programme, which forms part of the national Youth Programme, has the slogan "We are the young ... defenders of our country!" The aim of the programme is to:

- Raise awareness among young people of how to deal with various forms of discourse inciting hate, xenophobia and violence
- Strengthen the leadership capacity of young people, raise their self-esteem and encourage pride in their status as young people
- Provide young people with the necessary tools to detect and counter jihadi discourse

- Strengthen the patriotic feelings of young people and improve their social inclusion
  - Promote greater involvement by young people in civil society
186. The Ministry programme contains the following three specific programmes:
- The national “Young Ambassadors for the Nation” programme, the aim of which is to train 30,000 young people from poorer districts, rural areas, mining areas and other disadvantaged places in such topics as leadership, coaching, the culture of peace and communication. These young people already act as promoters and facilitators of the culture of peace.
  - The national “Young Sportspeople ... for the Nation” programme, the aim of which is to use sporting competitions in the form of national championships to raise awareness among the young participants of the dangers of extremist thinking and jihadi recruitment.
  - The national “Young Journalists ... for the Nation” programme, which aims to build up a major communication campaign to combat terrorism through the radio, websites and audiovisual productions in youth institutions and associations.
187. A budget of 7 million dinars — the equivalent of US\$ 3.5 million — has been allocated for the implementation of this programme, which comes in addition to the regular budget for the Youth Programme of the Ministry of Youth and Sports for 2016.

## **Article 11**

### **The right to an adequate standard of living**

#### **Issue raised in paragraph 30**

188. The Government monitors such programmes on a daily basis but there is no independent mechanism to monitor their implementation.

#### **Issue raised in paragraph 31 — Access to potable water**

189. The production sources of potable water vary from one region to another as a result of geographic and climatic features, and are also a function of the dynamics of water needs in each region.

##### *Regional water supply*

##### **Greater Tunis**

190. Greater Tunis is essentially supplied with water from the north channelled through the Medjerda-Cap Bon canal and the Kasseb and Beni Mtir dams.

191. The Ghedir El Golla treatment and storage plant on the western outskirts of Tunis treats water from the Medjerda-Cap Bon canal and the Kasseb dam.

192. The water is then conveyed to tanks in Greater Tunis at a rate of 5,400 litres per second. Water from the Fernana treatment plant (Jendouba governorate) is added to it, pumped through the Beni Mtir dam conveyance pipeline at a rate of 300 litres per second.

##### **Bizerte**

193. This region is supplied from the Mateur groundwater aquifer and the Joumine and Sejnane treatment plants, which have a production capacity of more than 1,500 litres per second.

#### Cap Bon, Sahel and Sfax

194. The Cap Bon, Sahel and Sfax regions are supplied with water from the north channelled through the Medjerda-Cap Bon canal. The Sahel and Sfax regions are also supplied from:

- the Kairouan deep groundwater aquifer
- the Jelma, Sbeitla and Hajeb Laayoun deep groundwater aquifer
- local resources

#### South-east region

195. This region, comprising Mednine and Tatouine governorates, is supplied by local resources and water from the Djerba and Zarzis desalination plants, which have a total production capacity of 30,000 cubic metres per day.

#### Gabès

196. The Gabès region (Gabès, Metouia, El-Hamma and Ouedhref) is supplied essentially from the water desalination plant constructed in 1995, with production of up to 34,000 cubic metres per day.

197. The total production of the Gabès plant will enable the region's drinking water needs to be met until the end of 2012 with salinity of no more than 1.5 g per litre.

#### *Water treatment*

198. Raw water undergoes physicochemical treatment.

199. Raw water passes through the following stages of treatment: coagulation-flocculation, decantation, filtration and disinfection.

#### Coagulation-flocculation

200. This involves adding aluminium sulphate or a coagulant. The quantities and doses injected are set according to the turbidity of the raw water and the results of flocculation tests conducted in the treatment plant laboratory. Adding a flocculant such as polyelectrolyte transforms suspended solids into flakes to facilitate decantation.

#### Decantation

201. This is the stage of collection of suspended solids and concentration and disposal of sludge.

#### Filtration

202. The water is passed through sand filters to catch solids that have not been decanted, algae and microorganisms. Pumps and air compressors back wash the sand filters.

#### Occasional additional treatments

203. If the water is aggressive, lime (limewater and milk of lime) is added to balance the pH.

204. If there is an unpleasant taste or odour, active charcoal may be added as an absorbent.

### Chlorination

205. During the pre-chlorination stage, injecting chlorine during treatment helps to reduce organic matter content and the proliferation of algae. This facilitates the treatment process and keeps treatment plants clean.

### Post-chlorination stage (final disinfection)

206. Injecting optimum quantities of bleach eliminates the remaining microorganisms and tackles any contamination in the network, from the waterworks to the consumer's tap. The amount of bleach needed is regulated automatically according to the quantity and flow of water.

### Water quality control

207. In 2013, bacteriological analyses were carried out on 55,886 samples in the SONEDE (national water company) laboratories; 98.5 per cent were clean. These results are in line with Tunisian standards and World Health Organization (WHO) recommendations.

208. At the same time, SONEDE conducted physicochemical analyses of the water supply.

209. In addition to the water company's own quality control, the Ministry of Health conducts bacteriological analyses of the water supply in areas far from the SONEDE laboratories under an agreement signed between the two partners (see annex 11).

	2005	2008	2013
Number of samples	52 884	47 964	55 886
Percentage unsuitable	1.7	1.3	1.5
Number of samples per 1 000 users	28	22	21

### Issue raised in paragraph 32

210. The Tunisian Government has put in place a special social housing programme to guarantee all citizens access to adequate and affordable housing.

211. A pilot social housing project aiming to develop about 570 housing units is already under way in Kasserine governorate.

212. Administrative, legal and land tenancy issues are hampering progress on this particular social housing programme.

213. This programme was launched in 2012 to build 30,000 housing units (20,000 new and 10,000 to replace very basic dwellings).

214. The new five-year plan (2016-2020) makes provision for 50,000 social housing units with an average of 10,000 per year.

### Issue raised in paragraph 33

215. In order to improve living conditions in prisons and stop prison overcrowding, the Ministry of Justice, with support from European and other donors, is working on the following areas:

- Improving prison infrastructure, e.g., at the Mornag, Borg El Amri and Monastir prisons

- Encouraging the use of non-custodial sentences, especially community service and restorative justice
- Amending the criminal law by considering the addition of other non-custodial sentences (e.g. electronic tagging) and reducing some sentences, particularly in relation to drug use

#### **Issues raised in paragraph 34**

216. The Ministry of Justice has prepared a draft law in close cooperation with representatives of the High Commissioner for Refugees. The draft law has also been discussed with various civil society actors and governmental departments. The Ministry of Justice is now finalizing it and it will soon be submitted to the Government for approval.

217. Pending the promulgation of this law, the Tunisian State is applying the relevant international conventions, such as the Convention relating to the Status of Refugees of 28 July 1951, ratified by the Decree of 2 June 1955, the Protocol relating to the Status of Refugees of 31 January 1967, ratified by Act No. 1968/26 of 29 July 1968, and the African Union Convention of 10 September 1969 Governing Specific Aspects of Refugee Problems in Africa, ratified by Act No. 1989/77 of 2 September 1989.

218. Under Decree-Law No. 2011/92, Tunisia ratified a cooperation agreement between the Republic of Tunisia and the Office of the United Nations High Commissioner for Refugees (UNHCR) for the establishment of a UNHCR office in Tunisia.

219. Reception of refugees and authorizing their residence in Tunisian territory present practical problems in view of the need to correctly establish their identity and take their fingerprints, since that is so important for security reasons. This requires special procedures to be laid down on the formation of technical committees and coordination among the various bodies and organizations concerned, as most refugees try to avoid giving their identity, having their fingerprints taken and cooperating with the relevant authorities.

220. The criminal legislation and administrative regulations on this matter in force in Tunisia do not allow border guards to use firearms, rubber bullets or tear gas in response to waves of unlawful emigration, while article 143 of the Criminal Code requires civil servants and others to assist persons in danger, with refusal to do so or delay in doing so being punishable by imprisonment and fines.

221. Tunisia has drafted a national migration strategy that adopts a participatory and consensus-based approach respecting human rights. It sets out the broad lines of migration policy, taking into account new situations and emerging challenges as Tunisia has recently become a host country, particularly since the 2011 revolution.

222. The main policy areas of the strategy are:

- Strengthening governance with regard to managing migration
- Guaranteeing the rights and interests of Tunisian migrants and strengthening the links among them and between them and Tunisia
- Strengthening the contribution of migration to socioeconomic development at the local, regional and national levels
- Promoting legal migration by Tunisians and preventing irregular migration
- Protecting foreign migrants and asylum seekers in Tunisia, by putting in place legislative and institutional measures to strengthen migrants' rights and foster their integration in the national economic and social fabric

223. The right to asylum, although new and lacking established legal precedents, is protected by the new Constitution of the Second Republic, article 26 of which guarantees political asylum in line with the international conventions ratified by Tunisia, in particular the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and with respect for human rights (attachment to human values and the universal principles of human rights — paragraph 3 of the preamble to the 2014 Constitution).

224. In 2011, for the first time since the Algerian refugee crisis in 1956, Tunisia was confronted by a mass influx of people displaced by the conflict in Libya. Despite limited capacities and expertise, the Tunisian authorities (the National Guard, civil defence, the army, border guards etc.) have acquired a great deal of experience and further developed their capacities and knowledge through training and other activities implemented with the support of various United Nations organizations, the International Organization for Migration and the Red Cross and Red Crescent Movement.

225. Tunisia has a well-developed administrative structure and strong civil society. The Tunisian Red Crescent is present in most communities, with a local representation network involving a vast network of volunteers and staff members, and it has managed refugees and migrants, establishing a camp at Choucha near Ras Jedir. The camp mainly sheltered migrants and asylum seekers, who enjoyed a good standard of social, health and psychological care.

226. Libyan refugees have for the most part been housed by the local Tunisian community as a result of strong historical and family connections between the populations.

227. The Choucha camp was closed following the departure of most of the migrants and refugees sheltered there.

228. Nonetheless, the management of this phenomenon requires this constitutional right to be enshrined in legislation setting out the rights and duties of asylum seekers. The Tunisian Government is therefore in the process of drafting a law on asylum that complies with international principles and standards. This law seeks to guarantee a series of rights and freedoms, including the right to education, freedom of movement within and outside the country, freedom to choose the place of residence, the right to work and social security and to exercise a profession.

229. The draft law on the right to asylum seeks to create an independent national authority responsible for examining asylum applications and overseeing the protection of asylum seekers' rights.

230. Pending the establishment of a national asylum system, UNHCR is the only body determining refugee status in line with its mandate and in accordance with the cooperation agreement concluded with the Government of Tunisia on 18 June 2011.

231. The Government is also making efforts to put in place a national law against trafficking in persons. A draft law to this effect has already been submitted to the Assembly of the Representatives of the People for approval.

232. The draft of this organic law essentially aims to prevent all forms of exploitation to which people, especially women and children, may be exposed, to combat trafficking in persons, punish perpetrators and protect and assist victims.

## **Article 12**

### **The right to physical and mental health**

#### **Issues raised in paragraph 35**

233. In recent years, health cover has improved considerably in Tunisia. This improvement has taken the form of the establishment of new health-care and prevention facilities and improved reception capacities of existing facilities.

234. The growing interest in reducing geographical and social disparities in the health sector is reflected in the efforts made by the national community to strengthen the national hospital network in terms of facilities, buildings, technical equipment, materials and human resources.

235. Several measures have been taken to reduce such inequalities, such as:

- Issuing more of the entitlement cards for no-fee health care, enabling low-income families to receive free treatment at public health centres
- Launch of a programme to guarantee the availability of health care in 13 priority governorates
- Increasing the medicines budget for chronic illnesses in front-line facilities to strengthen the role of such facilities and bring health care closer to people
- Planned building of new hospitals in priority regions
- A decision to make it a priority to recruit new staff in priority regions in order to enhance human resources in those regions
- Bringing specialized medical services closer to citizens in priority regions in order to better respond to people's needs
- Reclassifying some local hospitals and transforming them into regional hospitals providing specialized health services
- The network of regional school and university medical centres has been extended to several regions in the interior of the country in order to reduce regional disparities in school and university health services

236. Despite a trend towards equality and acceptable geographic accessibility with regard to front-line facilities, the distribution of health services in the national territory is still characterized by a degree of inequality that needs to be assessed and rectified.

*Measures taken to eliminate corruption in the health sector (see annex 11)*

237. In order to tackle the risk of conflict of interests with regard to medical promotion, a draft amendment of Decree No. 90-1402 of 3 September 1990, setting out the conditions for medical and scientific information, is in preparation with a view to preventing abusive practices.

#### **Issues raised in paragraph 36**

238. A mental health promotion committee was formed in October 2015 to put in place an action plan for implementation of the national mental health promotion strategy drawn up in 2012 and 2013.

239. Various working groups have been set up to draft action plans on different aspects of mental health.



240. The National Suicide Prevention Commission, established on 5 February 2015, is drafting a national suicide prevention strategy.

241. In this framework, regional commissions have been established to apply this strategy at the regional level and training sessions have been held in the various regions of Tunisia to train trainers in suicide prevention and the care of people who attempt suicide and their families.

242. Fighting drug abuse is one of the main aspects of mental health promotion in Tunisia. A draft amendment has been prepared to Act No. 92/52 of 18 May 1992 in order to shift the emphasis from criminal measures to therapeutic measures in narcotics cases.

243. In order to prepare for application of the new act, a working group has been formed to draft an action plan to combat drug abuse along four main lines:

- Epidemiological monitoring
- Screening and treatment
- Establishment of regional commissions to combat drug abuse and promote prevention
- Establishment of reception and rehabilitation centres for drug users
  - Upgrade front-line general practitioners to bring mental health care closer to users
  - Creation of psychiatry and child psychiatry services

244. Information is provided below on the number of cases of involuntary hospitalization on account of mental disability, the guarantees to ensure that involuntary hospitalization is the last resort and the remedies to challenge such a decision.

245. In 2015, a total of 7,787 mental health patients were hospitalized against their will.

246. The measures to protect patients hospitalized without their consent are set out in Act No. 92-83 of 3 August 1992 on mental health and conditions of hospitalization for mental disorders:

- Persons with mental disorders may be admitted to hospital without their consent only if their state of health represents a threat to their safety or the safety of others
- In every governorate where there is a mental health establishment, regional mental health commissions are being set up to examine the situation of such persons from the standpoint of respect of individual freedoms and human dignity

247. The following measures are being taken to introduce specialized psychiatric services for adolescents:

- Introduction of regional-level crisis units to prevent student suicide
- Introduction of student assistance units in secondary schools to prevent risk behaviours
- An adolescent treatment unit and a day hospital are planned

### **Issues raised in paragraph 37**

#### *Steps taken to better protect the environment with regard to waste management*

248. Health-care activities are usually accompanied by the production of biomedical waste, much of it similar to household waste, while another category is, by its nature, considered hazardous waste.

249. To prevent the risks engendered by these different types of waste within and outside health-care establishments, a national strategy to optimize the management of biomedical waste has been put in place, the main objective of which is to improve establishments' current waste management capacities.

250. In this connection, Decree No. 2008/2745 of 28 July 2008 setting out the conditions and methods of biomedical waste management was promulgated, in line with Framework Act 41-96 of 10 June 1996 on waste and waste management and disposal.

251. The purpose of this decree was to organize biomedical waste management from sorting, packaging, collection, storage, transport and treatment to final disposal.

252. The implementing regulations of the Decree, and in particular the order on the manual on hazardous biomedical waste management procedures, were promulgated.

253. By ratifying the Stockholm Convention on Persistent Organic Pollutants (POPs) in 2004, Tunisia undertook to dispose of such pollutants in an environmentally sound way and to prohibit and limit the production, trade in and use of such chemicals.

254. In the context of implementation of its commitments, Tunisia prepared a national action plan on implementation and in particular drew up a specific action plan to reduce POP emissions (nine POP pesticides, polychlorobiphenyls (PCBs), PCT and PBB, as well as dioxins and furans) and is doing what is necessary to remove and dispose of the POPs already in the country, involuntarily produced and ejected by anthropic sources (dioxins and furans).

255. In the context of application of the national implementation action plan, Tunisia has carried out a project demonstrating and promoting good techniques and practices for managing biomedical waste and PCBs to reduce dioxin, furan and PCB emissions by strengthening the Government's institutional and regulatory framework and putting in place programmes for sound and sustainable management and disposal of biomedical waste and PCBs.

256. Awareness-raising and training activities have coverage across the whole country. The project actively involves the private sector, in particular transformer repair companies, medical analysis laboratories, hazardous waste management companies, clinics, pharmacies and dialysis centres, as well as civil society, in particular learned societies and environmental associations.

257. The project will help to improve health conditions in Tunisia by reducing the risks of contamination and disease associated with handling biomedical waste and exposure to PCBs. It is estimated that two million people have already benefited from reduced POPs as a result of sound biomedical waste and PCB management at project sites.

258. The following measures have been taken in this regard:

- Establishment of a central technical committee for biomedical waste management chaired by the Minister of Health
- Establishment of a regional biomedical waste management unit
- Improved internal and external biomedical waste management methods, in particular with regard to sorting, packaging and storage
- Monitoring internal biomedical waste management, including all health-related aspects
- Instilling a sense of responsibility and involvement among all health professionals (managers, medical, paramedical and ancillary staff)
- Taking waste into account in hospital design

- Putting in place regional or interregional biomedical waste management action plans
- Training and informing health workers
- Establishing a specific budget line for biomedical waste management in all health-care establishments
- Drafting a national invitation to tender for subcontracting the collection, transportation, treatment and disposal of biomedical waste (in progress)

*Measures taken to better protect the environment with regard to water pollution*

259. The Ministry of Health attaches particular importance to preventing waterborne diseases. Water quality is therefore closely monitored as part of the action plan.

Monitoring the quality of drinking water:

- The quality of drinking water in urban areas is monitored through the installation of a real-time, distance monitoring system (monitoring residual free chlorine, bacteriological analyses, physicochemical analyses)
- Inspections to monitor the condition of water supply systems
- Technical assistance, organization of health education sessions for users
- Strengthening water quality monitoring in border areas by putting in place a national drinking water point monitoring network

Monitoring the quality of wastewater

260. Activities include:

- Monitoring treated wastewater reuse practices in irrigated areas
- Monitoring the quality of treated wastewater used in irrigation: bacteriological and physicochemical analyses
- Introduction of a surveillance system to prevent irrigation with untreated wastewater
- Raising the awareness and health education of handlers of treated wastewater

Monitoring the quality of seawater for swimming

261. Activities include:

- Monitoring the bacteriological quality of seawater for swimming: 6,707 analyses in 2015
- Health inspection of seaside swimming sites to evaluate vulnerability to pollution

262. The classification of swimming water follows WHO directives.

Monitoring swimming-pool water

263. Activities include:

- Monitoring the bacteriological and physicochemical quality of swimming-pool water
- Health inspection of swimming pools

264. In 2015, the main operations carried out were:

- Residual free chlorine analyses: 1,084

- pH analyses: 1,118
- Bacteriological analyses: 926

*Measures taken to better protect the environment with regard to use of pesticides*

265. The Ministry of Health technical departments are responsible for carrying out several environmental health actions.

266. The following actions have been taken or are in progress:

- A national pesticides surveillance system
- A national pesticides surveillance plan
- Evaluation studies
- Drafting regulations on pesticide residues in the food chain
- Planned specifications for disinfectant and pesticide formulations for use in public health

*Use of pesticides*

267. Under Tunisian law, the manufacture, importation, formulation, packaging, possession, transportation, sale and distribution of all pesticides used to control harmful organisms or for agricultural purposes are regulated by Act No. 92-72 of 3 August 1992 revising legislation on the protection of plant life, as amended by Act No. 99-5 of 11 January 1999, chapter III of which is devoted to control of the trade in, distribution and use of pesticides (<http://www.cnudst.rnrt.tn/jortsrc/1999/1999f/jo00599.pdf>).

**Disappearance of local seeds**

268. The National Gene Bank was established by Decree No. 2003-1748 of 11 August 2003 and is responsible for the evaluation and conservation of local, acclimatized and exotic genetic resources, in particular those that are rare, threatened with extinction or of economic, ecological and/or medicinal interest (article 2).

269. Operating in the form of a national network of all public bodies and scientific research establishments and all the people involved in this field, the National Gene Bank has, along with other tasks, been made responsible for the conservation of local seeds, in particular through:

- Collection, selection and identification of the provenance of genetic resources and monitoring their quality
- Identification, evaluation and promotion of genetic resources
- Drafting and updating of a national programme setting conservation priorities
- Repatriation of local genetic species in foreign gene banks in accordance with the standards in force in this regard
- Devising mechanisms for exchanging genetic resources and access to genetic resources at the national and international levels
- Encouraging activities aimed at conservation of genetic resources in situ and ex situ

270. With a view to combating local seed loss, the National Gene Bank has, in collaboration with the different stakeholders, put in place an adaptation and conservation programme for local barley and wheat seed species for small farmers. This programme has

led to the creation of a network of scientific and agricultural higher education institutions and regional agricultural development commissions with the Gene Bank.

271. The table in annex 12 summarizes the results of this programme in the period 2012-2016.

*Plans to strengthen the legislative framework for environmental protection*

272. As part of the Government's major reforms programme, the Ministry of the Environment and Sustainable Development has announced a number of measures aimed at strengthening the legislative and institutional framework for environmental protection.

*Institutional reform measures*

273. These measures include reviewing:

- Decree No. 2005-2933 of 1 November 2005 setting out the responsibilities of the Ministry of the Environment and Sustainable Development (<http://www.cnudst.rnrt.tn/jortsrc/2005/2005f/jo0902005.pdf>) and Decree No. 2006-898 of 27 March 2006 on organization of the Ministry of the Environment and Sustainable Development
- Decree No. 94-1636 of 1 August 1994, on the organization and responsibilities of the external services of the Ministry of the Environment and Regional Planning
- Decree No. 2005-2317 of 22 August 2005 establishing a national waste management agency and setting out its mission, administrative and financial organization, and operating procedures

274. In addition, in order to give the Tunisian Observatory of Environment and Sustainable Development the means to carry out its mission by giving it autonomous status, a draft governmental decree has been prepared establishing a Tunisian Observatory of Environment and Sustainable Development and setting out its administrative and financial organization.

*Measures to strengthen the legal framework*

275. These measures include, in particular:

- Reviewing the legislative framework on the management of protected areas covered by the Forest Code and the promotion of ecotourism in these areas in the framework of an ecotourism and desert biological diversity conservation project
- Overhauling the legislative and regulatory framework for environmental impact studies under the Urban Development and Local Governance Programme
- Drafting a decree setting the perimeter of the coastal zone provided for in article 2 of Act No. 95-72 of 24 July 1995 establishing a coastal protection and planning agency
- Amending Act No. 2007-34 of 4 June 2007 on air quality in order to make it more effective
- The draft implementing regulations of Act No. 96-41 of 10 June 1996 on waste and waste management and disposal are being drawn up in cooperation with the institutions concerned:
  - Draft government decree amending Decree No. 2005-3395 of 26 December 2005 setting out conditions and procedures for the collection of used accumulators and batteries (<http://www.cnudst.rnrt.tn/jortsrc/2006/2006f/jo0012006>)

- Draft government decree setting out conditions and procedures for the management of discarded electrical equipment and electronic waste
- Draft government decree setting out conditions and procedures for the management of PCBs
- Draft government decree setting out the types of plastic bags for which production, importation, marketing and distribution is prohibited on the domestic market
- Draft government decree on discharge of effluents into water bodies or courses (NT 106.02)
- Draft government decree setting out the areas and conditions of use of treated wastewater (NT 106.103)

#### **Issues raised in paragraph 38**

276. Since 2012 the Ministry of Health has taken specific measures to strengthen universal access to contraception and sexual and reproductive health services in 24 regional centres and to integrate such services in basic health centres, resulting in broad coverage of the population.

277. Workshops involving the various actors have been organized on the determinants of universal access and have led to definition of the essential package of sexual and reproductive health services through putting in place 22 youth-friendly areas in regional facilities. In addition, the technical services of the Ministry of Health have diversified and expanded the availability of contraceptives, thus giving women freedom of choice and ensuring that services are made available free of charge.

278. As a result of the various measures taken, the contraceptive prevalence rate reached 62.5 per cent in 2011. Despite these efforts, however, the contraceptive needs of 7 per cent of married women are unmet.

#### **Articles 13 and 14 The right to education**

##### **Issues raised in paragraph 39**

##### **Basic and secondary education**

(a) *Accessibility and availability of education*

279. As a result of its decision to make schooling free of charge and to make school attendance mandatory from age 6 to age 16, Tunisia has been able to achieve very satisfactory levels of enrolment: nearly 100 per cent for children age 6, for both boys and girls. For the aforementioned age group, which corresponds to the basic education cycle, enrolment rose from 90.1 per cent in 2001/02 to 94.2 per cent in 2014/15, with no significant differences between the two sexes (see annex 13).

280. The State has deployed massive efforts each year to expand school infrastructure with a view to ensuring access to education for all. The construction of new schools, refurbishing of existing schools and expansion of current facilities are part of the work planned and carried out each year. Today, the country has 4,597 primary schools and 1,499 secondary schools.

281. Assistance is provided to ensure transport for students who live in remote areas so that they can attend school. This has been a long-time concern of decision makers in the education sector.

282. Increasing the number of school canteens offering cold or hot meals, especially for students in rural areas, is one of the steps that has been taken to keep children from skipping class and ensure their regular attendance. Education supply in rural areas has also been supported through the remodeling and refurbishing of boarding facilities.

(b) *Tackling school dropout rates*

283. In the framework of cooperation between the Ministry of Education and the UNICEF office in Tunisia, a strategy to tackle the school dropout rate has been devised and approved. It will be taken into account in the five-year development plan for the education sector and is entirely integrated in reform of the sector.

284. With the same objective, a national campaign called Schools Recover their Children was launched at the start of the 2015/16 school year. Thousands of pupils returned to class as a result of the efforts of the various agencies involved, which included the Ministry of Education and the Ministry of Social Affairs.

(c) *Improve the quality of education (teacher training and school infrastructure)*

285. With regard to infrastructure, it should be remembered that for a long time the focus on extending the network of schools in order to meet additional demand and to improve student-teacher ratios had a very negative impact on school maintenance and renovation. The financial constraints and the priorities of the sector also go some way to explaining the inadequacy of efforts made to ensure the viability of schools, which have become very dilapidated. The same observations apply to equipment, including that used every day, which is now not only old but sometimes very difficult to use.

286. The assessment conducted by the technical services of the Ministry and the regions revealed that school buildings of every level, in particular primary schools, were in a catastrophic state, as was equipment, requiring significant investment to renovate and replace them.

287. Several budgetary allocations have therefore been devoted to the maintenance and renovation of schools and the replacement of educational equipment.

288. Several programmes have been financed in this connection: they aim to improve the quality of educational services in schools through upgrading, repairing or replacing daily-use equipment in order to make schools more attractive places and encourage students to attend. Such programmes also seek to extend the overall school catchment area and improve boarding facilities, especially in the interior of the country.

289. With regard to human resources, new measures have been taken to improve teacher skills and qualifications. This is being achieved mainly through strengthened initial training before being assigned to the classroom and ongoing training sessions thereafter.

(d) *Inclusive education for children with disabilities*

290. The following paragraphs provide an overview of the different stages in the history of inclusive education in Tunisia.

291. The first stage, between 2003 and 2006, concerned children aged 6 to 9 who had a motor disability, were deaf and used a hearing aid or had a mild mental disability. This stage also saw the launch of an awareness-raising and communication campaign on inclusive education.

292. During the second stage, from 2007 to 2011, several new areas were opened up: inclusive education was extended to include new categories of disabilities, such as impaired vision; preparatory preschool classes for every inclusive school became universal; in the vocational training field, inclusive trade schools able to cater for people with disabilities were established; teachers continued to receive initial and ongoing training on inclusive education; and awareness-raising campaigns continued.

293. From 2011 and 2015, inclusive education was extended throughout the basic and secondary education system to include all children with disabilities.

294. Implementation of this strategy is based on the involvement of a wide range of actors at every level:

295. Ministries are involved: Ministry for Women and Ministry of Social Affairs and their regional directorates.

296. At the regional and local levels, the main inclusive education actors include the regional commissions for people with disabilities; school inspectors, head teachers, school doctors, social workers, parents, and associations and NGOs working in the disability sphere, in addition to public and local authorities and municipalities.

(e) *The preparatory year*

297. The purpose of preschool education in Tunisia is to guarantee all children maximum equality of opportunity in access to education, facilitate their physical, cognitive and emotional development, foster independence and encourage socialization.

298. The Tunisian Government has shown strong commitment to preparatory year education. Efforts have been focused on the most disadvantaged rural and urban areas and, to the extent that resources allow, on disadvantaged populated areas in general.

299. Early childhood studies conducted within and outside the country show clearly that children who have had preschool education do better at school. The percentage of new students enrolled in the first year of basic education who have attended the preparatory year has increased rapidly in recent years, and reached 80.4 per cent in 2014/15 (see annex 14).

300. At the regional level, the values for this indicator vary widely, showing a gap between regions of almost 50 percentage points (98.4 per cent in Tunis and 47.8 per cent in Kasserine). The regions of the interior have the lowest recorded rates, with 12 regions below the national average.

301. The five-year development plan for the education sector promotes universalization of the preparatory year in support of the effort to reduce regional and social disparities.

### **Higher education**

#### *Measures to improve higher education*

302. Act No. 19/2008 of 25 February 2008, on higher education, established a national assessment, quality assurance and accreditation authority to evaluate universities and higher education establishments, review and monitor scientific curricula and teacher performance and output, oversee educational, administrative and financial management and monitor training and research agreements on the basis of academic performance and approved quality standards.

303. The most important measures taken to support quality in higher education include:

- Pedagogical training for university teachers
- Training the trainers and teacher certification:



- Enhancing skills and capacities
- Adapting higher education to the requirements of the regional, local and global needs of the employment market
- Improving governance by supporting relevant bodies and putting in place internal and external quality assurance systems

**Issues raised in paragraph 40**

304. With regard to procedures to protect teachers and researchers from danger and threats, particularly those arising from extremism, the Ministry of Higher Education has taken significant steps to ensure the safety of higher education and scientific research institutions by putting in place an integrated system to secure them.

305. In application of a Minister of Higher Education and Scientific Research circular dated 4 March 2016, a counter-terrorism research plan has been put in place involving the establishment of a multidisciplinary commission with the task of preparing a multidisciplinary scientific research programme on subjects related to combating radicalization and terrorism.

306. In addition, awareness-raising campaigns aimed at all students are constantly conducted in universities.

**Article 15  
Cultural rights****Issues raised in paragraph 41**

307. The Ministry of Culture and Heritage Protection has put in place an entire strategy to protect archaeological heritage from destruction and pillage. Each year, new guards are recruited for the various monuments and historic sites.

308. Judicial investigations have been opened following verbal and physical attacks on a number of artists and activists.

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