



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
15 October 2010

Original: English

**Committee on the Elimination of Discrimination
against Women**
Forty-seventh session

Summary record of the 949th meeting

Held at the Palais des Nations, Geneva, on Thursday, 7 October 2010, at 10 a.m.

Chairperson: Ms. Gabr

later: Ms. Zou Xiaoqiao (Vice-Chairperson)

later: Ms. Gabr

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fifth and sixth periodic reports of the Republic of Tunisia (CEDAW/C/TUN/6; CEDAW/TUN/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tunisia took places at the Committee table.*
2. **Ms. Bouhnaq Chihi** (Tunisia) said that, as noted in the State party's written responses to the list of issues (CEDAW/TUN/Q/6/Add.1), Tunisia had a long history at the forefront of regional and international efforts to advance women and their rights and had passed several new laws to bring national legislation in line with the Convention. At the institutional level, new bodies and mechanisms had been created, mandates broadened and partnerships with NGOs expanded.
3. Major improvements had been achieved in female representation in politics and the judiciary, and Tunisian women now accounted for one third of members of civil society organizations. Gains had also been made in redressing gender imbalances in education: parity had been reached in primary school attendance; over 58 per cent of students in higher education were now women, and they were outperforming their male counterparts, even in technical subjects.
4. Discriminatory labour legislation, such as that requiring a woman to obtain her husband's permission to work, had been repealed, and near-parity between the sexes had been reached in manufacturing jobs and in teaching at all levels. Women outnumbered men in the medical and pharmacological professions, and the number of women heads of corporations had swelled to 18,000.
5. Health care coverage had increased, and 90 per cent of women now had access to health services, including reproductive health and family planning services. Antenatal training and care had improved, and maternal and infant mortality were already down to below internationally recommended levels.
6. The Government had made considerable efforts, through the implementation of laws, strategies, programmes and awareness-raising campaigns, to address all forms of violence against women and sexual harassment. A national database on gender-based violence had been set up, together with monitoring and follow-up mechanisms, such as registers in police stations and hospital emergency rooms and victim counselling services. The Government also supported women's NGOs that provided victims of violence with shelter and legal assistance.
7. At the international level, Tunisia played an active role in various forums in promoting women's rights and combating violence against women: as chair of the Arab Women's Organization, as a member of the Euro-Mediterranean Partnership gender equality programme, and as a participant in the drafting of the objectives of the African Women's Decade planned for 2010–2020.
8. On the domestic front, Tunisia had taken steps to protect single mothers, as well as women from marginalized and vulnerable groups, and women accounted for over 60 per cent of welfare beneficiaries. Women's economic advancement and female entrepreneurship were being promoted through capacity-building, microloans and technical support, and the integration of rural women into national development was being addressed through a specific national strategy and the creation of special commissions at the regional and national levels. NGO involvement in these efforts was being encouraged.

9. Gender-based planning was being promoted at the regional level, and the Government was working to improve the image of women as portrayed in the media and school textbooks. The Ministry of Women's Affairs, the Family, Children and Older Persons had created a new web portal and organized awareness-raising campaigns for schoolchildren of all ages.

10. Tunisia had always been a modern, tolerant and open society, and Tunisian women were playing an increasingly important role in all areas and as active partners in the country's notable economic and social development. She thanked the Committee for its work and reiterated Tunisia's support for the amendment to article 20 of the Convention.

Articles 1 to 6

11. **Mr. Flinterman** said that, under international law, the general declaration made by Tunisia in respect of the Convention amounted to a reservation and, with reference to article 28, asked how the declaration was compatible with the object and purpose of the Convention. Noting that, during the universal periodic review process in 2008, a number of countries had recommended that Tunisia withdraw its reservations, he asked what steps had been taken to that end. Recalling that Tunisia had ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights with no reservations, despite the fact that both instruments contained important provisions on equality and non-discrimination, he asked whether it could be assumed that the reservations to the Convention would shortly be withdrawn.

12. **Ms. Šimonović** expressed doubts concerning the rate of progress in women's affairs in Tunisia and the pace at which the Convention was being implemented. More information concerning the definition of discrimination was needed. She would like to know how the State party's reservation to article 16 (c) affected the enforcement of the Convention through the courts and what impact the reservation might have on the application of the recently ratified Optional Protocol. She would welcome information on Parliament's role in the withdrawal of reservations.

13. **Ms. Ameline** asked why Tunisia maintained its reservations, which related to two key areas of the Convention, nationality and the family, when other countries in the region had withdrawn theirs. She asked about the role and influence of religion in Tunisia, and whether it was sometimes used directly or indirectly to interpret the law. The State party had stated that NGOs played an essential role, yet the Committee had received reports that a number of NGOs had encountered obstacles in carrying out their work. She asked how the Government intended to help NGOs and associations make a greater contribution to implementation of the Convention.

14. **The Chairperson**, speaking in her capacity as expert, welcomed the draft legislation in the areas of violence and trafficking in persons, and the increased participation of women in all aspects of society. In line with Tunisia's pioneering role with regard to the rights of women in the Arab world, she hoped that it would withdraw its reservation to article 16 of the Convention, and its declaration on article 15, given their basis in sharia law. Other Arab states with similar reservations had withdrawn them, and Tunisia might therefore consider carrying out comparative studies in the Islamic world, with regard to articles 15 and 16. She also hoped that the reservations in the area of citizenship would be withdrawn, given the amendments being made to legislation in that area.

15. She welcomed the national strategy to prevent violent behaviour in the family and society, gender-based violence and violence against women. She would be interested to hear of any legislation in that regard, as well as steps taken to implement the legislation, and any mechanisms established. Such legislation should include a proper definition of discrimination, since discrimination lay at the very heart of violence against women.

Legislation was also required on the protection of domestic workers. She encouraged Tunisia to step up its efforts to provide training on the Convention to the judiciary and law professionals.

16. **Ms. Neubauer**, recalling that the Convention required States parties to aim at de facto gender equality, expressed concern that the term “gender equality” appeared nowhere in the State party report. She asked what the State party’s understanding of the concept was, how it was reflected in national policies, and whether the State party envisaged drawing up and implementing a national plan and strategy on gender equality, as required under the Beijing Platform for Action. She asked whether sufficient human and financial resources were allocated to the Ministry for Women, the Family, Children and Older Persons, how the Government intended to mainstream gender in its policies, and whether there were any mechanisms for coordinating Government departments in that regard, such as focal points for the advancement of women.

17. **Ms. Bouhnaq Chihi** (Tunisia) said that the Government was in the process of reconsidering its reservations. Tunisia had been steadily adapting its legislation in line with the Convention, establishing new mechanisms and working to bring about a change in attitudes. However, obstacles remained. A number of the principles contained in the Convention appeared to be incompatible with the precepts of Islam and the Koran. Efforts were being made, therefore, to encourage a more nuanced interpretation of religious texts. Legislative reform had already been achieved in areas such as equality between spouses, minimum age for marriage and equal rights for mothers and fathers.

18. **Ms. Ammar** (Tunisia) said that legislation was based on case law and customary law, and on international treaties, which took precedence over national legislation. It was not based on sharia law. The Personal Status Code had previously referred to sharia law but had been amended in many areas, including marriage and divorce. Judges could not base their rulings solely on sharia law, but must also take case law and international treaties into account. The training given to judges and law professionals to enhance their knowledge of the Convention, and the various studies that had been carried out, were intended to bring about a change in attitudes with regard to discrimination against women. A memorandum had been circulated instructing judges to enforce international treaty law, including the Convention.

19. To illustrate the progress being made, she said that on 3 February 2009 a court ruling had been handed down, allowing a non-Muslim wife to inherit from her Muslim husband. It was now possible for daughters to inherit from their grandfathers, and recent inheritance tax exemptions helped to ensure the fair distribution of inheritance. In the light of the withdrawal by Tunisia of its general declaration and reservations to the Convention on the Rights of the Child, she believed that Tunisia would withdraw its reservations to the Convention. While Tunisia was not against incorporating a definition of discrimination in national legislation, the specificities of Tunisian society would not permit that to happen immediately.

20. **Ms. Salah** (Tunisia) said that new legislation had considerably improved domestic workers’ protection. The new Social Security Act of 12 March 2002 guaranteed them health care and retirement and disability pensions, and Act No. 2005 of 4 April 2005 made it illegal to employ people under the age of 16 in domestic service.

21. **Ms. Bouhnaq Chihi** (Tunisia) said that, although there was no specific law on violence against women in Tunisia, the Criminal Code covered all types of violence and made violence against another family member an aggravating circumstance. An action plan had been implemented to ensure that it was the Government, rather than NGOs, that would follow up on complaints of violence against women.

22. **Ms. Hayashi** said that the progress made in women's participation in politics and the increasingly ambitious targets of the presidential programme were highly commendable. As it was important in a democracy to ensure the participation of men and women with diverse backgrounds and political convictions, she would like to know about the representation of women in the opposition parties and whether the targets and quotas established by the governing party applied to them as well. She also asked whether temporary special measures had been taken to ensure that women with disabilities were better represented in decision-making. During previous periodic reviews, Tunisia had committed itself to introducing electoral reforms to improve female representation in Parliament and municipal councils, and she wished to know the outcome of those reforms. Data from the Inter-Parliamentary Union (IPU) showed that there had been only one woman minister since January 2010 and that female representation in the ministries had declined over the past decade. She therefore wondered whether the target for women in decision-making included ministerial positions, and if so, whether temporary special measures, such as quotas, would be introduced. She also asked for information on any temporary special measures taken to increase female participation in the private sector.

23. **Ms. Awori** said that, according to a study quoted in the State party report, several forms of violence against women were highly prevalent in Tunisia. She would like information on the content and impact of the national strategy on domestic and sexual violence since it was unclear whether the strategy had brought about real change or greater protection for victims.

24. With regard to domestic violence, Tunisia had made commendable, but piecemeal, progress on the legislative front, and she wished to know whether any steps had been taken to carry out the Committee's recommendation, in its concluding observations of 2005, that Tunisia should implement a comprehensive law on domestic violence.

25. She also wished to know what steps were being taken to amend the legal provision whereby rape charges, in cases where the victim was under the age of 20, were dropped if the accused man agreed to marry the victim. The State party's written responses to the list of issues seemed to defend that provision on the grounds that such arrangements were in the interests of society, the victim and the victim's family, whereas it appeared rather to reward the rapist. She reiterated the need for the State party to amend the provision so as to bring Tunisian law into line with the Convention and ensure that rapists were prosecuted and punished and their victims rehabilitated and duly compensated.

26. She also asked for information on any legislative initiatives regarding sexual offences, including sexual harassment and marital rape, and again recommended the implementation of a comprehensive law, which would protect women better and make sure that the punishments fitted the crimes.

27. **Ms. Cocker-Appiah** said that she fully endorsed Ms. Awori's call for comprehensive laws on violence so that all women would be fully protected.

28. She welcomed the new social security provisions for domestic workers who were mostly poor country girls who had come to the city seeking employment. They often suffered violence at the hands of their employers, however, and she wondered how the law protected them. Did the law regulate their working hours?

29. As to the possibility of rapists marrying their victims, she asked what happened if the man or the victim was already married. Allowing rapists to marry their victims not only enabled them to escape prosecution and punishment, it could, given the inauspicious beginnings of the marriage, increase the likelihood of subsequent violence.

30. **Ms. Chutikul** asked whether the proposed bill on human trafficking would incorporate the definition of trafficking used in the Protocol to Prevent, Suppress and

Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and be based on the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) of the Office of the United Nations High Commissioner for Human Rights. She also wished to know whether the bill included a multidisciplinary and multisectoral coordinating mechanism and preventive and protective measures for the victims and whether it contained clauses on prosecution and penalties. She asked whether any studies had been conducted into human trafficking in Tunisia, especially of women and girls, as a basis for action.

31. The existence of legally authorized brothels seemed to signal approval of prostitution, and she wished to know why clandestine prostitution continued and how it was handled by the police. She also asked for information on efforts to curb demand for prostitution and on programmes to help prostitutes to find other work.

32. She doubted the State party's claim, made in its written responses, that women's increased political empowerment would cause the number of prostitutes in Tunisia to decline, given that no such correlation had ever been observed in any other country.

33. **Ms. Rasekh** said that she congratulated the State party on its ratification of several international anti-trafficking instruments, but was surprised that the Government denied that human trafficking was a problem in Tunisia. She wondered what data supported that claim, especially since a 2009 report by the United States Department of State showed Tunisia to be both a source and a destination, as well as a possible transit country, for women victims of trafficking. She requested an explanation of the disparity. She asked for information on the steps taken to combat human trafficking during the reporting period, and specifically with regard to law enforcement and training of lawyers, judges and police officers; protection services for women victims, such as shelters, hotlines and counselling; and the formal methods used to identify victims of trafficking among prostitutes and illegal migrants.

34. She also requested information on the steps taken to reduce the demand for commercial sex, which was an effective means of reducing prostitution and eliminating human trafficking, especially following the agreement with Italy, signed in January 2009, to strengthen cooperation to combat illegal migration and human trafficking.

35. **Ms. Bouhnaq Chihi** (Tunisia) said, with regard to temporary special measures, that the governing party had set unofficial quotas for its own electoral lists, to ensure that a minimum of 35 per cent of candidates were women. While the quotas did not apply specifically to opposition parties, there was general political will to increase women's representation in Parliament, municipal councils and the Senate. Women currently held 15 per cent of Government posts, up from less than 9 per cent in 1999. She gave an indication of the numbers of women in ministerial cabinets, Parliament, the civil service, regional and local councils, the judiciary, and journalism. Currently, some 58 per cent of university students were women, as a result of which the number of women in public posts was expected to rise even further.

36. There was no discrimination against women in the law on access to, and career prospects in, civil service posts. The Centre for Research, Studies, Documentation and Information on Women monitored the development of women's careers in the public and private sectors. Despite the economic crisis, efforts were being made under the presidential programme to stabilize employment and promote investment and job creation, taking women's role into account.

37. **Ms. Ammar** (Tunisia) recalled, with regard to trafficking in persons, that Tunisia had ratified both protocols to the United Nations Convention against Transnational Organized Crime. Meetings held with the Department of State of the United States of

America had clarified Tunisia's understanding of trafficking in persons, which was not only transnational in nature, as Tunisia had previously understood. Tunisia had had virtually no cases of transnational trafficking in persons. On the basis of the new understanding that trafficking in persons also included the offence of trafficking at the national level, Tunisia had decided to bring its legislation into line with the Convention. Comprehensive information on the new bill to that effect would be included in the following State party report.

38. Turning to the subject of prostitution, she said that the number of legally authorized brothels was declining naturally: whenever one closed, it was not replaced. There were currently 400 prostitutes working in the brothels but she was convinced that the increased political empowerment of women would cause the number of prostitutes to fall.

39. Tunisia was open to the idea of adopting specific legislation on marital rape and domestic violence. A spouse committing such offences did not have immunity; rather the relationship was considered an aggravating circumstance. Tunisia was also open to amending the legislation that allowed rape charges to be dropped if the accused man agreed to marry the victim, but in any event those provisions were very rarely applied.

40. **Ms. Salah** (Tunisia) said that domestic workers' labour rights were guaranteed under ordinary law. In both the public and private sectors, equal working conditions for men and women were guaranteed by law, and violence against domestic workers was an offence that was severely punished.

41. **Ms. Zouabi** (Tunisia) said that a threefold strategy to combat violence was in place. Research was one component, and another was the national strategy to prevent violent behaviour in the family and in society, gender-based violence and violence against women. The third component was campaigns to promote discussion of domestic violence, with the involvement of the Arab Women's Organization. She described the national survey on gender-based violence carried out in 2010, which aimed to analyse the factors involved in violence and identify women who were likely to be victims. Reparation for victims of domestic violence was provided for where the victim was found in court to have suffered one of a number of different kinds of losses, each of which generated a specific level of compensation. There was a 24-hour telephone hotline ("green line"), for legal and social support to victims of domestic violence and there were plans to increase the number of women's shelters.

42. **Ms. Ameline** encouraged the State party to systematically review its discriminatory legislative provisions applying to the private sector. She asked in what way NGOs and associations were involved in efforts to modernize society in order to promote the advancement of women, and suggested that Tunisia's Association Agreement with the European Union might encourage the country to open up to other models of society.

43. **Ms. Bouhnaq Chihi** (Tunisia) said that there were no discriminatory legislative provisions applying to the private sector, but that studies would be carried out to establish whether such discrimination existed in practice. The Association Agreement between Tunisia and the European Union covered a broad range of areas including strengthened political dialogue and economic, social and cultural issues, and would help to change attitudes, which in turn would make the application of the law, and of the Convention itself, more effective. The work required to bring about that change would be supported by women's NGOs and associations, such as the National Union of Tunisian Women and the Tunisian Mothers' Association, which were involved at the local, regional, national and international levels.

44. *Ms. Zou Xiaojiao (Vice-Chairperson) took the Chair.*

Articles 7 to 9

45. **Ms. Zerdani** said that the high percentage of women studying at university in Tunisia boded well for the future representation of women at high levels. In that regard, she would like to know how many women held senior posts in universities. While she had been pleased to note the level of representation of women in parliament, the percentage could be even higher. Greater representation of women was required at the international level; to that end, women should be encouraged to gain increasing levels of experience at the national level first, for example in local structures, or in NGOs, which should receive Government subsidies.

46. **The Chairperson**, speaking in her capacity as an expert, asked for information on specific measures to ensure that the Government would attain its political participation targets and on its response to the survey referred to in paragraph 134 of the State party report, which revealed disparities in the participation of men and women in public life. The proportion of women in high-level posts had not increased as much as at lower levels: she would like to have some statistics on the subject, and on the percentage of women in the Ministry of Foreign Affairs in particular.

47. **Mr. Flinterman** asked when the bill to allow all Tunisian women to pass on their nationality to their children would become law and whether it would have retroactive effect. He wondered whether enactment of the bill meant that the withdrawal of Tunisia's reservation to article 9, paragraph 2, was imminent.

48. He was concerned at recent reports from reliable sources, including other human rights treaty bodies, that NGOs critical of State policy in Tunisia were being barred from participating in the formulation of Government programmes and policies, and that the movements of human rights NGOs were being restricted and their members harassed, persecuted and arbitrarily arrested. Moreover, the proposed amendment to article 61 of the Criminal Code would make it difficult for NGOs to work with international human rights organizations. He asked whether the delegation agreed that the rights to freedom of association, freedom of assembly and freedom of expression must be respected so that NGOs could continue helping to consolidate democracy and strengthen civil society in Tunisia, work that the State party itself had acknowledged in its report (para. 133).

49. *Ms. Gabr resumed the Chair.*

50. **Ms. Bouhnaq Chihi** (Tunisia) said that the draft legislation amending the Nationality Code was expected to be promulgated in 2010. The new provisions could be applied retroactively, but would not be imposed.

51. Civil society played a very important role in Tunisia and NGOs were widely consulted on Government policy in many areas, through advisory councils established specifically for that purpose. She confirmed that, despite allegations to the contrary, NGOs had participated in the preparation of the State party report. All NGOs that acted in accordance within the law received financial help from the Government.

52. **Ms. Salah** (Tunisia) said that the purpose of the proposed amendment to article 61 of the Criminal Code was to guard against threats to Tunisia's security and protect its vital interests, not to restrict freedom of expression. Other countries had similar legislation, and the Constitutional Council had confirmed that the amendment was compatible with the Constitution.

The meeting rose at 1.05 p.m.