



**Convention on the Rights
of Persons with Disabilities**

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Summary record of the 3rd meeting

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Chairperson: Mr. McCallum

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention

Initial report of Tunisia (CRPD/C/TUN/1; CRPD/C/TUN/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tunisia took places at the Committee table.*
2. **The Chairperson** said that the Committee was pleased to consider a State party report for the first time and that Tunisia was to be commended on the timely submission of its report. All countries could improve the assistance they offered to persons with disabilities. The Committee's constructive dialogue with States parties would take into account numerous factors, including the geography, size, population and level of development of countries, in addition to their recent political history. The purpose of the dialogue was to cooperate in order to help some 650 million men and women with disabilities around the world.
3. **Mr. Ennaceur** (Tunisia), introducing his country's initial report (CRPD/C/TUN/1), said that Tunisia fully accepted the principles enshrined in the Convention and had been among the first States to become a party to the instrument and the Optional Protocol thereto. Moreover, it had ratified the Convention without reservations.
4. Since gaining independence in 1956, Tunisia had endeavoured to protect and promote human rights. It was currently undergoing a period of historic change. The Government was engaged in a struggle against exclusion and was working to uphold the principles of dignity, equality and rights for all, particularly for the most vulnerable and for minorities, who were an integral part of Tunisian society.
5. Domestic legislation was in harmony with international law and constituted the foundation of a society based on humanitarian principles and universal values. National plans focused on the well-being of Tunisian citizens and, in particular, persons with disabilities, whose rights formed an indivisible part of human rights; that approach was in concert with the international community's growing concern for disability issues.
6. Tunisia had enacted legislation pertaining to persons with disabilities in 1981, the International Year of Disabled Persons. It celebrated both its own national and the International Day of Persons with Disabilities. It had become a party to the International Labour Organization (ILO) Convention concerning Vocational Guidance and Vocational Training on the Development of Human Resources (No. 142) in 1988 and the ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) (No. 159) in 1989. Furthermore, in 1989 it had amended existing domestic legislation on vocational training and employment for persons with disabilities and had implemented a series of plans and programmes to strengthen the rights of persons with disabilities in various spheres. It had enacted new legislation on the advancement and protection of persons with disabilities in 2005.
7. Tunisia's civil society organizations and associations for the welfare of persons with disabilities had been pioneers in the field of humanitarian volunteer work since 1956. Consequently, Tunisia now had a broad network of associations that provided services and benefits across 87 per cent of the country's territory, supported and funded by the State and by national and international institutions and organizations.
8. While the progress made by Tunisia with regard to disability rights might be modest and partial, the Government was committed to the letter and spirit of the Convention. It was well aware of the distance that remained to be travelled before persons with disabilities could participate fully and effectively in society, on an equal basis with others and without

discrimination. It was committed to diversity, based on the principle of equality of opportunity, and would continue to endeavour to overcome any shortcomings.

9. Tunisia had adopted a rights-based approach in general and in respect of persons with disabilities in particular. A culture of disability rights was being promoted by various means, including publication of the Convention in Braille and sign language, posting of the Convention on the Ministry of Social Affairs website and wide dissemination of the instrument.

10. Modern technology had been introduced to identify and assess different types and levels of disability, in line with the World Health Organization International Classification of Functioning, Disability and Health; that had enabled a move from a purely medical approach in identifying disability to a more comprehensive approach that took into consideration medical, psychological, social, individual and environmental factors.

11. The authorities had taken steps to include children with disabilities in regular schools and were gradually providing the physical and pedagogical materials necessary to do so. Budgetary allocations had been made and plans drawn up to make ministries and public institutions accessible to persons with disabilities. Furthermore, Tunisia had invested in the inclusion of persons with disabilities through cultural, leisure and sporting activities and had enjoyed success at a number of regional and international sporting events for persons with disabilities. Information and communication technology and the virtual environment were being exploited in order to integrate persons with disabilities in public life, including through distance learning and remote working. In addition, a library equipped with audio resources and books in Braille for blind and visually impaired students had been established.

12. Tunisia was determined to continue its efforts to fully implement the Convention, particularly in the context of its recent revolution, which heralded a new era of freedom, dignity, democracy, citizenship and human rights, without exclusion or discrimination. Work in the field of human rights in general and disability rights in particular was unending and required daily, sustained and persistent efforts. The common goal was to ensure that persons with disabilities enjoyed their full rights on an equal basis with others.

13. **Ms. Al-Suwaidi** (Country Rapporteur) said that she welcomed the steps being taken towards freedom and democracy in Tunisia. The initial report had been prepared in line with the Committee's guidelines and following broad consultation with organizations of persons with disabilities. The replies to the list of issues had provided a clearer picture with regard to the implementation of the Convention in Tunisia.

14. Tunisia had taken steps to harmonize domestic legislation with the Convention's provisions. For example, new legislation had been adopted to protect persons with disabilities and prevent discrimination against children of school age with disabilities, as well as amendments to the Criminal Code to prohibit any form of violence against children with disabilities.

15. However, certain negative patterns persisted, such as a medical interpretation of disability, difficulties in integrating persons with disabilities in society and the use in Tunisian legislation of certain terms that could be viewed as degrading to those persons. Awareness-raising measures were required to improve the image of persons with disabilities and highlight their contribution to society.

16. She was concerned that the replies to the list of issues indicated that no definition existed in Tunisian legislation of "reasonable care". The State party should take steps to remedy that omission and state explicitly in its laws that denial of sufficient care violated the human rights of persons with disabilities.

17. Although persons with disabilities enjoyed equality under the law, there was insufficient protection from discrimination. Current legislation, and especially that on elections, education and health, did not unequivocally prohibit discrimination on grounds of disability, and there was a need to raise awareness and provide education and training to promote the enjoyment of their rights by persons with disabilities.

18. Current statistics indicated a very low number of women with disabilities, particularly in rural areas, possibly owing to cultural pressures that discouraged their registration. It was important to ensure the collection of adequate data on women with disabilities, if necessary by adapting the methods of data gathering. Those women must be taken into account in policymaking, in order to improve their situation.

19. The information provided by Tunisia indicated that insufficient training on the Convention was provided to public officials. The State party might therefore wish to consider offering education and training for all persons responsible for implementing the Convention, including at the local level, and to ensure that persons with disabilities had access to information on their rights as enshrined in the Convention.

20. Although the State party had adopted a national accessibility plan, persons with disabilities still lacked full and equal access to public services. Accordingly, it was recommended that the State party should consult persons with disabilities and their representative organizations with a view to addressing those issues and earmark adequate financial and human resources to guarantee access.

21. In the light of the provisions of article 14 of the Convention, she wished to call on the State party to repeal any existing legislation whereby a mental or social disability could provide grounds for deprivation of liberty.

22. The State party's initial report had indicated a low number of reported cases of abuse of persons with disabilities, although a 2006 survey had indicated that the majority of children under the age of 14 who had a disability were subjected to verbal or psychological abuse at home. It would therefore be advisable for the State party to provide training to institutions that cared for children with disabilities, so that they could monitor the situation of those children, and introduce a sensitive system for handling complaints. Cases of violence against children with disabilities must be investigated and the perpetrators brought to justice.

23. The availability in the national database of data on persons with disabilities, disaggregated and analysed by age or sex, would contribute to the development of new public policies and legislation and facilitate the process of reporting on the implementation of the Convention.

24. The Committee appreciated Tunisia's commitment to implementing all the provisions of the Convention and encouraged the State party to continue its efforts, with the help of civil society organizations, particularly those representing persons with disabilities.

Articles 1 to 4

25. **Ms. Quan-Chang**, referring to article 4, paragraph 3, of the Convention, asked whether decision-making processes included consultation with persons with disabilities and their representative organizations. She noted that Tunisia had a Higher Council for the Protection of Persons with Disabilities, but that many of its members appeared to be service providers. She enquired whether the State party intended to broaden the consultation mechanism.

26. **Mr. Gombos**, referring to articles 1 and 2 of the Convention, said that, although Tunisia had moved away from a purely medical approach to disability, the definition of disability in domestic legislation seemed narrower than that given in the Convention.

Persons with disabilities were identified on the basis of an assessment of functioning, with a view to the issuance to them of a disability card, where appropriate. He asked what measures the State party had taken to ensure that assessments focused instead on identifying the support that such individuals required to enable them to participate fully in society.

27. Noting that policymakers in many countries did not differentiate between making an environment accessible to persons with disabilities and providing reasonable accommodation, he enquired what steps the State party had taken to ensure a clear understanding of the latter concept, and whether it was defined in existing domestic legislation and policies.

28. **Mr. Langvad** asked how the State party was fulfilling its obligation under article 4 of the Convention to take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise. He noted that, with regard to economic, social and cultural rights, article 4 called on States parties to take measures to the maximum of their available resources. He was not convinced that the measures cited by the State party, for example translating the Convention into Braille and sign language, fully met that requirement. Lastly, he would welcome clarification concerning the membership of organizations of persons with disabilities in the State party.

29. **Ms. Maina** said that the number of persons with disabilities in the population seemed very low, and requested clarification concerning the system in place to ensure early identification of all Tunisian citizens with disabilities and their individual support needs. She asked what procedures had been established to ensure that terms degrading to persons with disabilities were removed from legislation and that the legislative framework promoted the identification of disability-specific support and reasonable accommodation. Did the information obtained from the disability support identification process inform the Government's policies in the field of disability?

30. **Ms. Cisternas Reyes** requested additional information on the medical, psychological and social approach to disability adopted in the State party, and on the consistency of that approach with articles 1 to 4 of the Convention. She also wished to know to what extent the social and human rights approach was reflected in domestic legislation.

31. **Mr. Langvad**, referring to article 1 of the Convention, said that, since persons with disabilities normally made up approximately 10 per cent of the population, he too regarded the figure provided by the State party as very low. He asked whether the statistics included only persons in possession of a disability card and suggested that certain persons who did not qualify for a card might nevertheless face difficulties, for example those whose degree of impairment was not such that they needed assistive devices, such as wheelchairs, but who encountered attitudinal barriers. It would also be helpful to know how the State party addressed the issue of long-term impairment, including in legislation. Lastly, he enquired whether there was legislation prohibiting discrimination against persons with disabilities who did not have a disability card, as well as persons associated with them, for example the mother of a child with a disability.

The meeting was suspended at 11.15 a.m. and resumed at 11.50 a.m.

32. **Mr. Zribi** (Tunisia) said that his Government relied greatly on statistics for policymaking. It had begun to collect data on persons with disabilities in 2004. A census was carried out every 10 years. A database that was updated regularly was used to determine the kind of benefit card to be provided to persons with disabilities. Cards were issued by the Ministry of Social Affairs and made available through neighbourhood services.

33. The official disability rate in Tunisia had increased from 1.5 per cent in 2008 to 2 per cent in 2010. Statistics were drawn not only from the census but also from studies on non-discrimination and equality of persons with disabilities, including persons with severe or permanent disabilities. Data on disability were both quantitative and qualitative. For example, the Government had carried out a study on school enrolment, in collaboration with the United Nations Children's Fund (UNICEF). Medical, social and psychological factors were used to determine disability rates. The methods used to measure the prevalence of disability, which included assessment of the kinds of social services provided and of the incidence of accidents and many other factors, explained some of the discrepancy with other disability rates worldwide.

34. The Government took a participatory approach to disabled people's organizations. Tunisia had a children's parliament, in which children with disabilities were represented. Young people were also represented in the Higher Council for the Protection of Persons with Disabilities, which was presided over by the Head of Government and in which 10 disabled people's organizations took part. The organizations were also represented in the Higher Council for Human Rights. In addition, there were almost 300 centres run by such organizations that offered training to persons with disabilities. Efforts were currently under way to incorporate such training into university and high school curriculums.

35. **Mr. Hedhili** (Tunisia) said that, in keeping with the Convention and relevant current legislation, Tunisia had ceased to take a purely medical approach to identifying persons with disabilities and now used psychological and social considerations in addition to medical ones.

36. The existence of a disability was currently determined by cross-disciplinary committees, the members of which included various medical and social insurance experts and other specialists. Following assessment by such a committee, persons in need could obtain a certificate attesting to their disability. In addition, a new disability questionnaire had been drawn up with questions relating to communication, mobility, autonomy, domestic life, education and community relations.

37. Disability cards established the degree of autonomy of persons with disabilities. Their ability to communicate and maintain social relations was taken into account, as were environmental factors such as restrictions on mobility in public places. The card gave holders access to free services and benefits, depending on the nature of their disability. Free care was provided, along with assistive devices, on the basis of the degree of mobility. The purpose of the cards was to facilitate access to services and to meet the support needs of persons with disabilities so that they might be active and full members of society.

38. **Ms. Doula** (Tunisia) said that the revolution that had occurred in Tunisia on 14 January 2011 had ushered in a new approach to the right to equality and protection from all forms of discrimination, which would be enshrined in a new constitution once the Constitutional Council was elected in July 2011. Article 6 of the current Constitution provided that all citizens had equal rights and duties and were equal before the law. The article would form the foundation for efforts to combat discrimination on the basis of race, religion or any other grounds.

39. Tunisia had tackled discrimination at three levels. First, it had removed all discriminatory references in its legislation. Second, a policy of positive discrimination had been adopted. Third, penalties had been established for acts of discrimination.

40. The age of marriage, which had been 17 for women and 20 for men, had been changed under the law to 18 years for both sexes. As of December 2010, women were no longer denied the right to pass on Tunisian nationality to their children. Women currently enjoyed full equality. Any child born of a Tunisian mother or father was automatically entitled to citizenship. The Government had been cooperating with the United Nations

Development Programme, United Nations Population Fund and other bodies that worked for women's rights. The Ministry for Women's Affairs had drawn on international expertise and had adopted a strategy to help women to assert their rights and to raise awareness about women's issues.

41. The law prohibited any discrimination against persons with disabilities in health matters. Children with disabilities were entitled to maintenance payments, regardless of age, for as long as they required them. Persons with disabilities benefited from affirmative action programmes in respect of appointment to public office, for which quotas had been set. If public institutions did not meet the quotas, they were required to take steps to do so.

42. A new law had been adopted to make sexual harassment a punishable offence. In addition, disability was currently considered to be an aggravating circumstance in sexual harassment cases involving a person with disabilities.

43. Tunisia had been working with UNICEF to implement a national strategy to protect children from violence, to which children with disabilities were particularly vulnerable. The Government was taking a special approach to safeguarding children with disabilities, including through the use of the ChildInfo information system for the management of country databases on the situation of children.

44. She had been working with others at the Ministry of Justice to ensure that disability was taken into account in statistics. Data on disability were currently expressed in general terms. The Government hoped to submit more specific data in its next report.

45. The Government had been making efforts to raise awareness among judges about the rights of persons with disabilities. Such issues had been covered in a training exercise that it had organized with the European Union to modernize the judiciary. The participants had included an expert from the Committee. Many recommendations had been made as a result of the exercise, which the Government had transmitted to the relevant ministries.

46. As someone who applied the law, she had found no pejorative term referring to persons with disabilities in Tunisian legislation. Although civil law did refer to mental impairment, the terms used could be found in international law as well. The terms regarding juvenile offenders were also commonly used worldwide. The Government would be willing to change the terminology if it saw corresponding changes in international law. It agreed that certain terms must be recognized as being offensive.

47. **Mr. Belazi** (Tunisia) said that access to information and communications and to the physical environment was covered under Tunisian law. The Government sought to address all practical issues relating to movement and mobility in the public sphere and to provide the necessary means for information and communications. The Tunisian approach was still evolving, but the aim was to encompass all aspects of life. The Government thus hoped to bring the situation with respect to accessibility progressively into line with the Convention.

48. Tunisia currently had 30 vehicles that were specially equipped to transport persons with disabilities and had made the necessary renovations to certain public buildings to render them accessible. A Tunisian scientist had won an international award for adapting mobile phones for persons with disabilities. The Government was also making efforts to promote sign language. Funds had been set aside in the 2011 budget to adapt public buildings and spaces to the needs of persons with disabilities in both the capital and in Bizerte.

49. **Mr. Chaker** (Tunisia) noted the lack of accessibility in the meeting room. In particular, there were no documents available in Arabic Braille, and the buttons on the audio system were not accessible for the blind. He encouraged the Committee to appeal to the United Nations for greater accessibility in the Palais Wilson and the Organization's other buildings. Translating the Convention into Arabic Braille and into sign language was

a significant accomplishment for a developing country such as Tunisia. School textbooks were also translated into and printed in Braille and were provided to blind students free of charge at significant Government expense.

50. The Government had consulted with organizations of persons with disabilities when drafting the report, and the membership of those organizations did include persons with disabilities. For example, two thirds of the governing body of the National Union for the Blind were blind, and more than half of the members of the governing body of the Tunisian Union for the Support of Persons with Mental Disabilities were persons with mental disabilities or members of their families. Furthermore, those governing bodies were elected democratically.

51. **The Chairperson** said he agreed with Mr. Chaker that more efforts were needed in the area of accessibility within the United Nations. However, the Committee did have access to a Braille printer, and some documents were available in English Braille and Spanish Braille.

52. **Mr. Al-Tarawneh** commended the positive steps the Government had taken to change mentalities in the country and to move towards a rights-based approach to disability. He asked to what extent the Higher Council for the Protection of Persons with Disabilities was independent, and whether civil society organizations and persons with disabilities had a role in its administration.

53. **Mr. Ríos Espinosa**, noting that most of the legislation referred to in paragraphs 12 to 15 of the State party's report pre-dated Tunisia's ratification of the Convention in 2008, enquired whether any legislation had been harmonized with the Convention since that time, particularly with regard to non-discrimination and reasonable accommodation.

54. **Ms. Yang Jia** thanked the Government for its considerate offer to provide an English translation of the State party report. She said that it was time to do away with twentieth century terminology in the field of disability and to begin using new terminology for the twenty-first century. The Convention provided standardized language that was respectful of persons with disabilities. She suggested that the Government should take the lead in making corresponding changes to the language used in legislation and by organizations in Tunisia.

55. **Ms. Maina** said that she was concerned by the inclusion of psychological and medical processes in the identification of persons with disabilities, and by the categorization of individuals according to their degree of disability. She feared that, under such an approach, the support needs of persons with disabilities would become secondary to the interests and convenience of others, compromising individual freedoms and the right of persons to make their own decisions.

56. According to the national human rights institution, anti-discrimination and equality laws in the country did not capture many of the provisions of articles 2, 6 and 12 of the Convention. It was important for the Government to look into those issues, in order to remove all barriers to persons with disabilities.

Articles 5 to 30

57. **Mr. Tatić** asked if there was any legal remedy whereby children with disabilities or their families could appeal the decisions of the local committees for persons with disabilities regarding their access to education. He wondered if the delegation had any data available on the number of reported cases of discrimination in employment on the basis of disability. He also wished to know whether there was a complaint mechanism available to persons who were denied services on the basis of a disability, for example in a restaurant or on a public bus.

58. **Ms. Peláez Narváez** said that she would like to know more about the situation of women and girls with disabilities in Tunisia. According to the State party's report, of the small number of individuals in the country recognized as persons with disabilities, only one third were women, which was not in line with worldwide demographic information. The Committee on the Elimination of Discrimination against Women had recommended in 2010 that positive measures should be taken in support of vulnerable groups of women in Tunisia. While she welcomed the measures taken to support mothers of children with severe disabilities, she wished to know what specific political or legislative measures the Government was taking to prevent multiple discrimination against women and children with disabilities. She asked whether the situation of women and girls with disabilities would be taken into account in data collection in the country.

59. **Ms. Yang Jia** said she understood from the delegation that accessibility of information was an important issue for the Government, and that it took into account the needs of persons with disabilities when preparing curricula and training materials. The delegation should share some of Tunisia's good practices in that area, which could be a model for other countries to follow.

60. **Mr. Tatić** said that he was glad to hear there was a budget earmarked for removing architectural barriers to persons with disabilities, and he wished to know specifically what amount was allocated for that purpose. He asked if university curricula for architecture and engineering students included modules on accessibility and universal design, and whether those topics were included in the examinations to obtain professional licences in those fields.

The meeting rose at 12.55 p.m.