



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
19 August 2019

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the seventh periodic report of Tunisia*

General

1. In order to enable monitoring of the implementation of the Convention, please provide information and statistics, disaggregated by sex, age, disability, ethnicity, religion, and urban and rural area, on the current situation of women in the State party. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations ([CEDAW/C/TUN/CO/6](#), paras. 27, 37, 51 and 53),¹ please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

Constitutional and legislative framework

2. The Committee welcomes the State party's withdrawal of all its reservations to the Convention in 2014 and the superior status of international conventions to that of national laws, while being inferior to the Constitution of the State party, in accordance with article 20 of the Constitution of 2014. Please explain all steps taken to strengthen the capacities of legal professionals in respect of the Convention and to encourage them to apply and invoke the provisions of the Convention in court and administrative proceedings and to take into consideration the Committee's jurisprudence under the Optional Protocol. The Committee notes the measures taken by the State party since 2010/11 to promote and protect the rights of women, both in the Constitution, including in articles 21, 40, 46 and 70, and in national legislation. Please provide information on any steps taken to adopt implementation decrees for all laws that promote and protect the rights of women and to amend or repeal legislation that discriminates against women, based on the recommendations of the legislative review

* Adopted by the pre-sessional working group on 26 July 2019.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



on the rights of women, conducted by the Ministry of Women and Family Affairs in 2012 (HRI/CORE/TUN/2016, para. 99), and the recommendations of the legislative review on non-discrimination, conducted by the Individual Freedoms and Equality Committee from August 2017 to February 2018. Please inform the Committee whether Organic Act No. 2017-58 on the elimination of violence against women and other relevant legislation introduce a comprehensive definition of discrimination against women that encompasses direct and indirect discrimination in the public and private spheres by State and non-State actors, as well as intersecting forms of discrimination, and how the principle of non-discrimination has been implemented in practice.

Access to justice

3. Please provide information on the steps taken to ensure that women are aware of their rights under the Convention, including on the scope and impact of the awareness-raising initiatives referred to in the State party's common core document (ibid., paras. 77–84 and 108). Please inform the Committee about the measures taken to ensure that women are empowered to claim those rights, including through unimpeded access to justice and the provision of legal aid, particularly in rural areas and/or on grounds of disability. Please also provide information on relevant cases of discrimination against women brought before the courts and their outcomes, disaggregated by age, ethnic background, migration and refugee status, and disability, as well as the number of women and girls who have requested and received recourse from the Administrative Mediator (ibid., paras. 73–74).

National machinery for the advancement of women

4. Please provide information on the activities of the Peer Council for Equality and Equal Opportunities between Women and Men, established by Government Order No. 626 (2016) of 25 May 2016, and whether it has the mandate and power to coordinate, monitor and evaluate government policies across all ministries and government departments at the national and local levels. Please also provide updated information on national gender equality strategies and policies, as well as the related action plans and the human, technical and financial resources allocated for their implementation, including with regard to the national plan on gender equality in public administration. Please inform the Committee about the impact of the State party's efforts to introduce a gender-based approach within planning processes at all levels and in all sectors (ibid., paras. 102–103), as well as gender-sensitive budgeting.

National human rights institution

5. Please inform the Committee whether the Human Rights Commission, established by the Constitution, has a broad mandate to promote and protect the rights of women and gender equality and whether it operates independently and with financial autonomy (ibid., para. 76). Please provide information on the human, technical and financial resources allocated to the Commission and explain the measures taken to bring the Commission into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as well as the measures taken to encourage it to apply for accreditation by the Global Alliance of National Human Rights Institutions.

Temporary special measures

6. Please indicate whether temporary special measures have been adopted to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures. Please explain the impact of such measures on accelerating the

achievement of substantive or de facto equality of women and girls in rural areas, minority women and girls, migrant women and girls, and women and girls with disabilities. Please provide information, including statistical data, on the inequalities that such measures are designed to address, how they are enforced and monitored, and the results achieved.

Stereotypes

7. Please indicate whether the State party has adopted a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, as previously recommended by the Committee (para. 25). Please indicate the measures taken to address stereotypical portrayals of women in the media and in educational textbooks.

Gender-based violence against women

8. The Committee notes the reference to the prevention of violence against women in article 46 of the Constitution and the adoption of Organic Act No. 2017-58. Please provide updated data on the number of reported cases of gender-based violence, including domestic violence, against women and girls and the number of criminal investigations, prosecutions and convictions, as well as on the sentences imposed on the perpetrators. Please indicate any steps taken to include an explicit prohibition of marital rape in article 15 of Organic Act No. 2017-58 that amends related provisions of the Penal Code. Please specify the measures taken to implement Organic Act No. 2017-58 and the national strategy to combat violence against women, including the development, adoption and implementation of budgeted policies and plans, and the allocation of human, technical and financial resources, including to the National Observatory for the Prevention of Violence against Women.

9. In line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide information on efforts made to protect women who are victims of gender-based violence, as well as women who are victims in institutions, including through restraining orders, the establishment of shelters and the provision of medical, psychosocial and legal assistance, in accordance with articles 4, 13 and 39 of Organic Act No. 2017-58, and on efforts to ensure the accessibility of shelters for women and girls with disabilities. Please indicate the steps taken to enforce Act No. 40 (2010) of 26 July 2010 to prevent the corporal punishment of girls in all settings.

Gender-based violence against women in conflict and peacebuilding situations

10. Please provide statistical data, disaggregated by sex, age, disability, ethnicity, religion and location, on cases of gender-based violence against women and girls, including sexual harassment, violence and rape, during the repression of political protests in 2010/11 and during the presidency of Zine El Abidine Ben Ali from 1987 to 2011 ([A/HRC/23/50/Add.2](#), paras. 21–22). Please explain how the mechanisms established by Organic Act No. 53 (2013) concerning the establishment and regulation of transitional justice address those violations. Please also provide information on steps taken to provide women who are victims of such human rights violations with redress, compensation and psychosocial support, including immediate care and temporary compensation, in accordance with article 12 of Organic Act No. 53 (2013), as well as reimbursement of legal costs, pursuant to the laws on legal aid and legal aid before the Administrative Court ([HRI/CORE/TUN/2016](#), para. 52). Please explain whether all women and girls concerned received reparations equal to those received by men ([A/HRC/23/50/Add.2](#), para. 21).

Trafficking and exploitation of prostitution

11. Please provide information on the 2018–2023 action plan for the National Commission against Trafficking in Persons, as well as the impact of Organic Act No. 2016-61 of 3 August 2016 on preventing and combating trafficking in persons and the impact of the national campaign to raise public awareness of trafficking, conducted by the Ministry of Justice in 2016, according to information received by the Committee. Please provide updated information on the measures taken to: (a) amend or repeal article 231 of the Penal Code to decriminalize women in prostitution and enforce article 232 of the Code to investigate and punish individuals who exploit women in prostitution; (b) strengthen the identification, prosecution and conviction of perpetrators of trafficking in persons; (c) ensure capacity-building for judges, prosecutors, police officers, migration authorities and service providers with regard to the legislation governing trafficking; (d) identify and refer women and girls who are victims of trafficking and exploitation in prostitution, including by providing adequate protection, rehabilitation and reintegration services; and (e) strengthen the assistance provided to women and girls who wish to leave prostitution.

Participation in political and public life

12. Please provide information on the participation of women in political and public life and in elected and appointed bodies, in particular in decision-making positions, in the public sector, including the civil service, the National Assembly, the diplomatic service, the judiciary, academic institutions, the police and the security forces, at the national, regional and local levels. Please also inform the Committee about the implementation of articles 46 and 74 of the Constitution, provisions in the electoral law that stipulate the need for gender parity in electoral lists of political parties for presidential, legislative, regional and municipal elections, including article 24 of Organic Act No. 2014-16 of 26 May 2014 on elections and referendums, and two circulars of 2018 to promote access by women to high-level positions in public administration. Please provide information on any other measures taken to encourage the participation of women in political and public life, including the adoption of a law on gender parity, with a view to ensuring equal representation of women and men in all areas of political and public life, and capacity-building initiatives for women candidates, including those from the most disadvantaged groups. Please also indicate the mechanisms that are in place to monitor the impact of those measures.

13. Please indicate any measures taken by the State party to protect women human rights defenders, civil society organizations and non-governmental organizations involved in human rights protection. Please inform the Committee about the steps taken to implement the national action plan on women and peace and security, adopted in 2018 in order to implement Security Council resolution [1325 \(2000\)](#), and the steps taken to allocate the necessary human, technical and financial resources.

Nationality

14. Please provide information on the steps taken to amend or repeal any discriminatory provisions in Decree No. 6 (1963) of 28 February 1963 on the revision of the Nationality Code, including article 13, according to which foreign spouses of Tunisian men can obtain Tunisian nationality upon marriage, while foreign spouses of Tunisian women do not have such a right. The Committee notes the amendment of article 6 of the Code by Act No. 55 (2010) of 1 December 2010, which allows women to transmit their Tunisian nationality to their children regardless of the identity of the father ([HRI/CORE/TUN/2016](#), paras. 38 and 97). However, article 7 of the Code stipulates that children born in the State party receive Tunisian nationality if the father and grandfather are born in the State party. Please clarify whether women can transmit

their nationality to their child. Please also explain the conditions under which children born to foreign or stateless parents in the State party and children with a Tunisian mother born outside of the State party obtain the nationality of the State party.

Education

15. Please provide data, disaggregated by sex, age, ethnicity, disability, religion, socioeconomic status, and urban and rural area, on the rates of school enrolment and on the completion of education by girls and women. Please also provide information on the measures taken to diversify educational, including vocational, choices for women and girls, including in non-traditional areas of study, and to implement plans to include age-appropriate education on sexual and reproductive health and rights in school curricula as of September 2019. According to information before the Committee, the illiteracy rate among women is high, at around 25 per cent, and higher than the rate for men. Please provide data, disaggregated by sex, age, urban and rural area, and disability, on illiteracy levels and inform the Committee about the measures taken to eradicate illiteracy, particularly among women and girls.

Employment

16. Please provide information on the measures taken to increase the participation of women in the labour market, particularly in decision-making positions, and to narrow the gender pay gap, including by enforcing article 40 of the Constitution, the Code of Obligations and Contracts, which prohibits all discrimination against women in the sphere of employment, and the Penal Code, which prohibits sexual harassment in the workplace (*ibid.*, para. 97). In line with the Committee's previous concluding observations (para. 43), please explain whether the Labour Code and other employment-related legislation include explicit provisions guaranteeing equal pay for work of equal value, and the measures taken to enforce that principle. Please describe the mechanisms in place to monitor the working conditions of women, particularly women working in the informal sector and/or as domestic workers, and indicate whether regular inspections of workplaces are conducted in all sectors.

17. Please provide comprehensive data on women and girls employed in the informal sector, particularly as domestic workers, and at home, and on measures taken to facilitate their participation in formal employment, as well as the results of the national programme to combat the economic exploitation of girls as domestic servants ([CRC/C/TUN/CO/3](#), para. 57). Please inform the Committee whether the State party is considering ratifying the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment in the World of Work Convention, 2019 (No. 190), of the International Labour Organization. Please provide information on the availability of social services such as childcare. Please also inform the Committee about the implementation of Act No. 58 (2006) of 28 July 2006, which introduces the option of half-time employment at two-thirds pay for mothers employed in some sectors of public administration and the security forces, while safeguarding their rights in full ([HRI/CORE/TUN/2016](#), para. 97), and explain any steps taken by the State party to offer a similar arrangement to mothers in other sectors of public administration and in the private sector, as well as to fathers, and any other measures taken to promote the equal sharing of family and domestic responsibilities between women and men.

Health

18. Please provide information on the measures taken to provide health services in a non-discriminatory manner, in line with article 38 of the Constitution and Circular No. 36 of 2009 enacting the Patient's Charter, particularly with regard to the groups of disadvantaged women mentioned in the Constitution and the Charter. Please

provide the current maternal and neonatal mortality rates, as well as information on the impact of relevant regulations, including Circular No. 8 of 2006 on enhancing pregnancy monitoring, Circular No. 9 of 2015 on the updating of pregnancy monitoring and Circular No. 20 of 1991 on organizing activities in public maternity hospitals. Please inform the Committee about the status of adoption of a gender-sensitive national health policy, as well as on the measures taken following the deaths of 15 newborns in a university hospital in Tunis in March 2019 and of 6 newborns in a hospital in Nabeul in July 2019.

19. Please provide data on the number of child and adolescent pregnancies in the State party, as well as on the number of abortions, disaggregated by age, ethnicity, disability, location in urban or rural area and the relationship between the pregnant woman and the father, if available. Please specify the measures taken to amend or repeal article 214 of the Penal Code to legalize abortion beyond the current time frame of three months in cases of rape and incest, in addition to abortion in cases of severe fetal impairment and risk to the life and health of the pregnant woman, which are already legalized, and to decriminalize abortion in all cases, beyond the current time frame of three months. Please provide information on the measures taken to ensure that access for women to safe abortion services is not impeded by conscientious objectors and that women and girls have access to modern contraceptive methods and sexual and reproductive health services.

Economic empowerment of women

20. Please provide updated information and statistical data on access for women to credit and entrepreneurship. Please explain the measures taken to integrate a gender approach into employment-related strategies, such as the national strategy for the promotion of entrepreneurship, and the measures taken to implement strategies that aim to improve the economic empowerment of women, such as the national strategy for the socioeconomic empowerment of rural women and girls. Please provide information on whether women working in the informal economy are entitled to social security benefits, pursuant to Act No. 32 (2002) of 12 March 2002 (*ibid.*, para. 97).

Disadvantaged groups of women

21. Please provide disaggregated statistical data on the situation of disadvantaged groups of women, such as women and girls in rural areas, ethnic and religious minorities, particularly Amazigh women and girls, women and girls of sub-Saharan origin, migrant women, older women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, in all areas covered by the Convention, in addition to information on specific programmes and on the impact on women and girls of the implementation of Organic Act No. 2018-50 of 23 October 2018 on the elimination of all forms of racial discrimination. Please specify the measures indicated by the State party in its common core document that aim to combat school dropout, particularly among girls in rural areas, owing to poverty and the distance between home and school (*ibid.*, para. 109). Please indicate all measures taken to ensure the inclusion of women and girls with disabilities in all spheres of life, including by increasing the quota of 1 per cent of positions reserved for persons with disabilities in the public sector and in private sector companies with more than 100 employees, in accordance with articles 29 and 30 of Outline Act No. 2005-83 on the promotion and protection of persons with disabilities.

22. Please explain the measures taken by the State party to support women and girls belonging to ethnic and religious minorities, including Amazigh women and girls, particularly in the areas of education and economic empowerment, and to provide education in their native language. Please indicate the measures taken to address the increasing number of asylum-seeking, refugee and irregular migrant women in the

State party, in compliance with international humanitarian and human rights law. Please also provide information on the situation of migrant women and girls in reception centres, in particular on whether they are accommodated separately from men and attended by female social workers and an adequate number of qualified medical officers, as well as on the sanitary and health-care conditions in those centres, the duration of administrative detention, integration policies and family reunification options available to migrant women and girls.

Marriage and family relations

23. The Committee notes the State party's measures to achieve gender equality in marriage and family relations, including the provision on equality in article 21 of the Constitution, Act No. 32 (2007) of 14 May 2007, which sets the minimum age of marriage at 18 years for both women and men, the cancellation of Circular No. 216 of 5 November 1973, which prohibits the marriage of Tunisian Muslim women to non-Muslims, and the amendment in 2015 of Act No. 40 (1975) of 14 May 1975, allowing mothers to obtain a travel document for their children. Please provide information on the measures taken to implement and enforce the above-mentioned legislation. Please indicate any steps taken by the State party to amend or repeal provisions of the Personal Status Code of 13 August 1956 that discriminate against women with regard to marriage, including articles 12 and 13 on dowry payments, which have been invoked as a defence in cases of marital rape, and article 23, which designates the husband as the head of the family. Please specify the measures taken to ensure that women are aware of their right to jointly agree on a property regime with their intending spouse or husband, in accordance with Act No. 94 (1998) of 9 November 1998 relating to the common property regime, and to establish a form of community of property as the default legal regime to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage.

24. Please provide information on the steps taken to amend or repeal provisions in the Personal Status Code that discriminate against women with regard to guardianship and custody of their children, including articles 58 and 61. Please inform the Committee about the implementation of Act No. 20 (2008) of 4 March 2008, which guarantees the right of a mother with custody of her children to accommodation and full legal safeguards in the post-divorce period, and Order No. 826 (2006) of 23 March 2006 on alimony and maintenance payments for a divorced woman and her children. Please clarify the status of the draft law to amend the Code to ensure equal rights for women and men with respect to inheritance, including by amending or repealing articles 103, 104 (5), 105 (3) and 106 (4) of the Code.

Additional information

25. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic reports, in 2010. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.