



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

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against Women**

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**Written replies from the Government of Tunisia
to the list of issues and questions
(CEDAW/C/TUN/Q/6) with regard to the
consideration of the combined fifth and sixth
periodic reports (CEDAW/C/TUN/5-6)**

Tunisia^{*,}**

* Late submission.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

General

Reply to paragraph 1 of the list of issues (CEDAW/C/TUN/Q/6)*

1. Convinced of the important role played by civil society in decision-making and in implementation of national policies and programmes in the various fields of human rights, and specifically in relation to the rights of women, the Tunisian Government, in drawing up this report, ensured involvement by all those concerned. This report was drawn up with the participation of all ministries responsible for questions relating to women's rights and of civil society, represented through non-governmental organizations (NGOs), parliamentarians and academics.
2. The approach centred on an understanding of the need to involve all parties in the drafting of the report. The meetings held to prepare the report bear witness to the importance given by Tunisia to respecting its commitments in this field and the country's interest in following the recommendations issued by the Committee and the other treaty bodies covering the human rights conventions that it has ratified.
3. The second stage of the procedure consisted in asking the various stakeholders to present reports covering their activities, along with their proposals and recommendations for the promotion of women's rights, in application of the Convention on the Elimination of All Forms of Discrimination against Women.¹ The proposals, which were received with the utmost interest, were given special attention and are reflected in the report.
4. The last stage consisted in making known and sharing the results of the drafting work with all the parties, and specifically with those who were not able to take part in the discussion of the report with the Committee, the aim being to raise awareness of what would be required at the next juncture, and of the need to move ahead in consolidating achievements.
5. The Ministry for Women, Family, Children and the Elderly ensured coordination among all the stakeholders. The report was also submitted to the Higher Committee on Human Rights and Fundamental Freedoms and to the office of the Human Rights Coordinator in the Ministry of Justice and Human Rights, which was responsible for finalizing it.

Reply to paragraph 2 of the list of issues

6. Tunisia has adhered to the aims and principles of the United Nations as set out in international instruments prohibiting discrimination based on race, colour, sex, descent or national or ethnic origin, including the International Convention for the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.
7. In respect of sub-Saharan and Amazigh populations and women from ethnic or other minorities, the following must be taken into consideration.
8. While ethnically speaking Tunisia is Berber in origin, the Tunisian people have integrated others from outside the country, as peoples have intermingled throughout the

* For the specific paragraphs, kindly refer to the list of issues (CEDAW/C/TUN/Q/6).

¹ These reports are annexed to the official report of Tunisia.

country's history. However, the phenomenon of ethnic minorities does not exist in Tunisia, and domestically no claims along those lines have ever been put forward.

9. In this connection, while confirming its commitment to protect minorities throughout the world in accordance with international law, Tunisia would like to draw attention to the need to take account of reality as it exists, and not as it is imagined.

10. Tunisian identity must be considered in the light of the country's geography and history. Geographically, Tunisia is part of the African continent; the name Africa has its origins in Ifriqiya, the name of a place near Carthage. Tunisia's connection with Africa has an ethnic and cultural dimension. Today, this aspect dovetails perfectly with Tunisia's official identity as an Arab country, as the Arab identity has itself always been inclusive, in particular in Tunisia. It acknowledges the forebears and descendants of this land, so eminently open to the Mediterranean, the perfect place for a blending of cultures. This dual reality leaves no room for repudiation of the country's heritage dating back to before it became Arab and Muslim. The country's past is in its present; it will remain in its future. Arab and Islamic identity thus integrates the Libyco-Berber past along with Punic and Roman heritage, giving them their full due as both religions and as ethnic origins that shape the identity of all our countrymen, without exception. As this identity is constantly open, it is also constantly being enhanced.

11. Throughout Tunisian history, the people have shared a culture in their use of the spoken word, which has been similar, without being identical; the country's languages are its common heritage. The tribes, with their various ethnic designations, all consider themselves to be more or less direct branches of a single tree, solidly rooted in the land. Their ethnic and cultural reality has been lapped by the tides of history and subject to its vicissitudes. The great majority of the country's people were subjected in turn to Punic, Roman and Arab cultures, but without ever being lost to them. Some pockets were, however, never touched by this acculturation. These groups, while solidly Muslim, use the Berber or Amazigh language, whose vocabulary has a wealth of words and expressions taken from Arabic, or even from the Koran.

12. According to a study often cited by the World Amazigh Congress (Ahmed Boukous, "Le Berbère en Tunisie", in *Etudes et documents berbères*, No. 4, 1988), Berber speakers in Tunisia have limited interest in studying the Berber language. Apparently, this is because of the marginal status of the language, which is spoken by less than 1 per cent of the Tunisian population. The author of another study, "The Amazigh Question in Tunisia" (*Awal* magazine, No. 19), drew the following conclusion: "As for Arab/Berber couples, I think it best to speak instead of mixed Arab- and Berber-speaking couples. We are at the same time Arabized Berbers and Berberized Arabs. There has been so much blending that it is impossible to speak of specifically Arab or Berber ethnic groups."

13. There are no data or statistics on sub-Saharan African or Amazigh populations or on women from ethnic or other minorities. The collection of data on racial origin is prohibited in Tunisia, as it can be exploited to fuel the idea that distinct human races exist or to support the fallacious feelings of superiority of a given racial group.

14. It was precisely to avoid such hazards that article 14 of the Organizational Act on the protection of personal data of 27 July 2004 established a principle prohibiting the processing of data relating to individuals' "racial or genetic origin". Violations of this prohibition are punishable under article 87 of the Act by a prison term of 2 years and a fine of 10,000 Tunisian dinars (approximately US\$ 7,500).

Reservations and discriminatory laws

Reply to paragraph 3 of the list of issues

15. In respect of the philosophy underpinning the filing of reservations during ratification of and accession to international conventions and other instruments, the aim of having the ability to file such reservations is among other things to encourage States to accede to international conventions by permitting them to bypass domestic obstacles that could stand in the way of accession. This does indeed allow for ratification and accession by the countries concerned, while taking into consideration national specificities and by refraining from offending societies whose values and convictions may be at odds with certain articles of the Convention.

16. The member States, for their part, undertake to prepare the ground domestically for the instrument in question so that it will be better received and so that there will be closer adherence to all the principles it contains.

17. It is precisely with this in mind that Tunisia has already taken steps to review its position in respect of the reservations it has filed concerning the Convention on the Elimination of All Forms of Discrimination against Women.

18. Since acceding to the Convention, Tunisia has constantly and progressively adapted its legislation to the principles and standards contained in the instrument. Every year, new provisions are adopted to bring the domestic law more closely in line with the Convention's standards and provisions.

19. Over and above the efforts undertaken at the legislative and institutional levels and assigned to the various departments dealing with this question, in particular to the treaty bodies follow-up service established in the office of the Human Rights Coordinator of the Ministry of Justice and Human Rights, Tunisia also attaches a great deal of importance to freeing up new ways of thinking and to preparing society for these changes.

20. This is not an easy process. A number of real barriers stand in the way, as some of the principles contained in the Convention apparently contradict the precepts of Islam, or even the Koran itself. There is thus a genuine ideological barrier – one which the entire Tunisian people and all currents of civil society endeavour to overcome by adopting a more rational and nuanced interpretation of the texts in the Koran.

Legal status of the Convention, definition of discrimination

Reply to paragraph 4 of the list of issues

1. Precedence of international treaties over domestic law

21. In Tunisia, the legal rule applying to all categories of treaties is laid down in article 32 of the Constitution, which states, inter alia, that "treaties ratified by the President of the Republic and approved by the Chamber of Deputies have higher authority than laws". The Constitution thus determines the position of treaties in the legal hierarchy of standard-setting instruments.

22. Once an international treaty has entered into force by means of an approving act and a ratifying decree, it becomes part of the national legal system and a binding higher source of law.

23. Everyone, including the courts and other constitutional powers of the State, must abide by the rule established in article 32 of the Constitution.

24. In recent years Tunisia has developed mechanisms that give effect to the primacy of ratified international instruments over domestic law so as to ensure that they take precedence. Specifically, such issues are subject to mandatory referral to the Constitutional Council for an opinion, and Tunisian courts have ruled in favour of the direct applicability of international human rights instruments.

2. Role of the Constitutional Council (mandatory referral)

25. The Constitutional Council has, since the adoption of the constitutional acts of 27 October 1997 and 1 June 2002, specifically been tasked with verifying the constitutionality and compatibility with the Constitution of all legislative bills, and specifically with the Constitution's provisions relating to fundamental rights. The Council exercises preventive supervision, designed to ensure that the drafts in question are in conformity with the Constitution and that domestic laws are in conformity with ratified international treaties. The Council then issues a substantiated and binding opinion which is published in the country's Official Gazette.

26. In Opinion No. 02-2006 concerning a bill supplementing the Personal Status Code and adding article 66 bis, which establishes the right of grandparents to visit their grandchildren, the Constitutional Council pointed out in its considerations *inter alia* that "the United Nations Convention on the Rights of the Child of 20 November 1989, which has been ratified by the Republic of Tunisia, gives precedence to the best interests of the child and the right of children to preserve their family ties and lays down the rights and obligations not only of parents, but also, where applicable, of members of the extended family" and that "the fact of granting grandparents the right of access after the death of one of the parents, taking account of the best interests of the child, is likely to strengthen family ties and thus represents one aspect of family protection as provided by the Constitution and the principles accepted by the Republic of Tunisia, and embodied in the United Nations Convention on the Rights of the Child". Hence the Constitutional Council concluded that the bill was in conformity with the Constitution.

3. Role of the ordinary courts (direct enforceability)

27. The introduction of international instruments into domestic law has been the source of numerous debates before the Tunisian courts. In contrast to the traditional view, which holds that the provisions of international conventions once ratified and approved create obligations only for States parties, in various cases the courts have ruled that international instruments, including human rights treaties, could be directly invoked in the domestic courts.

28. In a judgement rendered in case 34179 on 27 June 2000, the Tunis court of first instance, ruling on a motion to enforce an Egyptian act of "repudiation", rejected that motion on the grounds that "repudiation constitutes a traditional and religious form of dissolving a marriage based on the unilateral will of the husband, with no consideration of the interests of the family, and consequently it contradicts the Tunisian legal order as set forth in article 6 of the Constitution and articles 1, 2, 7 and 16 (paras. 1 and 2) of the 1948 Universal Declaration of Human Rights, as well as articles 1, 2 and 16 (c) of the 1979 Convention on the Elimination of All Forms of Discrimination against Women".

29. In a judgement delivered on 18 May 2000 in case No. 7602, the Tunis court of first instance, ruling on an action to obtain the cancellation of a contract of sale agreed by a non-Muslim widow in respect of the share of real estate she had previously inherited from her Tunisian Muslim husband, dismissed the applicants' action and rejected the plea that the

heiress, who was not a Muslim on the date on which the estate passed to the heirs, could not be included in the list of heirs entitled to succession.

30. In its considerations the court asserted in substance that “the exclusion of the widow from the list of heirs on the basis of her religious faith contradicts article 88 of the Personal Status Code, which confines the impediments to inheritance solely to intentional homicide ...” and that “non-discrimination on the grounds of religion is one of the principles underpinning the Tunisian legal order and constitutes an element of the religious freedom guaranteed by article 5 of the Constitution and proclaimed in articles 2, 16 and 18 of the 1948 Universal Declaration of Human Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and article 2, paragraph 1, of the International Covenant on Civil and Political Rights, which have been ratified by Tunisia ...”.

31. In the judgement delivered on 2 December 2003 in case No. 53/16189, the court of first instance of La Manouba expressly based its judgement establishing filiation by means of a DNA fingerprint test on the grounds that “filiation is a child’s right and should not be impaired by the form of relationship chosen by the child’s parents. For this reason, filiation as defined in article 68 of the Personal Status Code must be interpreted broadly, in accordance with article 2, paragraph 2, of the Convention on the Rights of the Child, which was ratified by the Act of 29 November 1991 and which protects the child against all forms of discrimination or penalty based on the legal status of the child’s parents; depriving children of their right to filiation on the grounds that their parents are not joined in wedlock effectively penalizes the child and violates one of that child’s fundamental rights, quite apart from the discrimination between children that would result from the artificial introduction of a difference between legitimate and natural filiation”.

Role of the Administrative Tribunal (direct enforceability)

32. The Administrative Tribunal has also played a crucial role in this respect since the adoption inter alia, of Act No. 39 of 3 June 1996 establishing the right of appeal in cases of challenges on grounds of illegality or unconstitutionality, Act No. 79 of 24 July 2001 establishing a cassation chamber at the Administrative Tribunal and Act No. 11 of 24 February 2002 establishing the right to challenge the constitutionality of regulatory decrees, thereby lifting the immunity that applied to such decrees under the previous system.

33. All these reforms have made it possible for the Administrative Tribunal to effectively ensure respect for the rights of the public and strengthen basic principles related to human rights, not least by referring expressly to the principles set forth in international instruments on the subject. The following summaries of decisions are provided by way of example.

34. In the judgement delivered on 1 June 1994 in case No. 2193, the Administrative Tribunal, basing itself on article 19 of the Universal Declaration of Human Rights and article 8 of the Tunisian Constitution, ruled that the administrative authorities did not have the right to include in the personnel files of its officials a section on their political, philosophical or religious beliefs, nor to judge them for their beliefs, unless, in the exercise of their duties, they behaved in a manner that conflicted with the proper performance of those duties.

35. In the judgement delivered on 21 May 1996 in case No. 3643, the Administrative Tribunal had the opportunity to highlight the precedence to be given to the International Covenant on Civil and Political Rights over Organization Act No. 92-25 of 2 April 1992, which amended Act No. 59-154 of 7 November 1959, on associations. The Tribunal verified the compatibility of the Act with the treaty, determining that the limits set in place

by the legislature on the establishment of associations were indeed compatible with article 22 of the Covenant.

36. In the judgement delivered on 18 December 1999 in case No. 16919, the Administrative Tribunal, basing itself on article 23 of the International Covenant on Civil and Political Rights, which recognizes the right of men and women of marriageable age to marry and to found a family without restriction, annulled on grounds of illegality the administrative authorities' decision to dismiss an official of the internal security forces because he had failed to obtain prior authorization for his marriage to a foreign woman, as required by article 8 of the forces' general regulations.

37. In a decision concerning case No. 15327, issued on 24 June 2005, the Tribunal reiterated the same position, affirming that, under article 32 of the Constitution, treaties duly ratified by the President of the Republic and approved by the Chamber of Deputies had more authority than laws, whether enacted prior to or after their entry into force. Thus, when judging the legality of administrative decisions falling within the scope of such treaties, administrative judges are obliged, when necessary, to give the treaties precedence over the provisions of laws.

Reply to paragraph 5 of the list of issues

38. While the Constitution contains no definition of discrimination against women and no explicit wording prohibiting discrimination against them, in its preamble, it does underscore Tunisia's commitment to the "human values that constitute the common heritage of peoples committed to human dignity, justice and liberty". Discrimination, as a total repudiation of the principles of dignity, equality, justice and liberty, is thus condemned in the very preamble of the Tunisian Constitution.

39. Furthermore, the condemnation of discrimination is not limited to the preamble. In the body of the Constitution are two fundamental principles absolutely prohibiting any form of discrimination. On the one hand, article 6 of the Constitution stipulates that "all citizens have the same rights and duties. They are equal before the law". This constitutional principle of absolute equality demonstrates a total prohibition of any form of discrimination, including discrimination based on sex. Furthermore, article 8 of the Constitution stipulates that "political parties shall ban violence in any of its forms, as well as fanaticism, racism and all forms of discrimination. Political parties may not fundamentally base their principles, activities or programmes on one religion, language, race, sex or region".

40. International instruments duly ratified by Tunisia, including the Convention on the Elimination of All Forms of Discrimination against Women, have more authority than do laws.

Reply to paragraph 6 of the list of issues

41. The Higher Committee on Human Rights and Fundamental Freedoms is a national institution which aims to "promote and protect human rights, consolidate the corresponding values, disseminate the culture of human rights and contribute to ensuring the exercise of such rights".

42. Since its establishment on 7 January 1991, the Higher Committee has received complaints and claims from all petitioners, regardless of their sex, race, religion, age, ethnic origin and geographic, political, social, economic, cultural or other affiliation.

43. This competence has been reaffirmed in various legal texts, which have one by one broadened the functions of the Higher Committee, including the Act of 16 June 2008 (art. 2, para. 3).

44. On average, the Higher Committee receives 1,000 requests a year on questions involving political, civil, social, economic and cultural rights.

45. The number of complaints filed with the Higher Committee by women is relatively high: 113 of the 637 received in 2009, 130 of the 759 received in 2008 and 157 of the 1,056 received in 2007. However, such complaints address general human rights issues, without necessarily raising the question of discrimination against women. The text governing the Higher Committee's operation authorizes the Committee, on its own initiative, to take up any case of a violation of human rights (art. 2, para. 1, of the Act of 16 June 2008) and to uphold the rights of persons deprived of their freedom or having specific needs.

46. The Higher Committee is also authorized under the Act of 16 June 2008 (art. 11) to "establish relations with NGOs, associations and bodies engaged in protecting and consolidating human rights, in economic and social development, in combating all forms of racial discrimination, in protecting vulnerable groups and in any other field related to such questions".

47. As for the citizens relations bureau in the Ministry for Women, Family, Children and the Elderly, it has so far received no complaints of gender-based discrimination.

Visibility of the Convention and the Optional Protocol

Reply to paragraph 7 of the list of issues

48. The country's social fabric is homogenous; it leaves no room for any form of discrimination on whatever possible basis. Thus, information on women's rights is not disseminated any differently for women who are members of specific ethnic or any other kind of group. All Tunisian women receive the same education, without regard to their beliefs or affiliation with a specific group. No special treatment is reserved for a given category to the detriment of the rest of the population on the basis of ethnic affiliation.

49. The rights set out in the Convention are taken into consideration in the domestic law, which is widely disseminated through official sites and by associations engaged in women's and other rights.

50. In addition to the strategies adopted to strengthen women's rights at all levels, every year the official celebrations of International Women's Day, 8 March, and the National Women's Day, 13 August, attest to the State's desire to keep women's concerns at the very top of the nation's priorities.

51. As for the translation of the Committee's general recommendations into the official language and the other languages used in the State party, and their dissemination in those languages, the official language in Tunisia is Arabic, and it is also a French-speaking country. As these two languages are among the official languages of the United Nations, there has been no need for further translation.

52. Regarding the compliance of Tunisia with its obligation to make widely known and to give publicity to the Optional Protocol to the Convention, to which Tunisia has been a party since 2008, under Tunisian law, duly ratified international conventions are automatically published in the country's Official Gazette. At the same time, the various branches of the Tunisian media also carry reports on the subject.

53. Furthermore, some of the course given in human rights modules taught at various specialized schools, in particular those training future judges and lawyers, are devoted to conventions on the protection of given categories, such as the ones against discrimination based on race or sex, or discrimination in education or employment. Special attention is, however, given to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979.

54. To eliminate all forms of discrimination against women, and in order to prevail over those customs and traditions that place women in a position inferior to men, Tunisia recently acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, by means of Act No. 2008-35 of 9 June 2008. Since then, workshops and debates have been held on de facto and de jure discrimination against women, on equality and on the status of women in society, topics related to respect for the dignity of women, and which are conducive to the active and positive participation of women in civil society.

55. To ensure extensive dissemination of information on women's rights, in 2006 the Ministry for Women, Family, Children and the Elderly opened a woman's portal (www.femmes.tn) containing information and legal texts pertaining to women's rights, along with the country's periodic reports on the application of the Convention on the Elimination of All Forms of Discrimination against Women.

National machinery for the advancement of women

Reply to paragraph 8 of the list of issues

56. On the one hand recognizing the important role of regions in development, and on the other hand in the light of the decentralization of the work done by the Ministry for Women, Family, Children and the Elderly, the seven regional district units that were set up were tasked inter alia with helping to consolidate women's rights by ensuring optimal conditions for better participation by women in the country's public, socio-economic and cultural life.

57. Other stakeholders Assistance with the dissemination of a culture of women's rights is also provided by other stakeholders, including the regional commissions for the advancement of rural women, established pursuant to Decree No. 2001-2902 of 20 December 2001. Article 1 of the Decree stipulates that "in each governorate, a regional commission for the advancement of rural women shall be established, presided over by the governor or his or her representative, and comprising a member of each ministry, agency, organization or association established in the region and headquartered with the National Commission for the Advancement of Rural Women".

58. The regional commissions for the advancement of rural women establish plans specific to their governorates and ensure their implementation, follow-up and evaluation as part of the relevant national policy adopted in coordination with the National Commission for the Advancement of Rural Women. The regional commissions may also establish regional or local technical commissions to consider specific matters. Their members are selected from people skilled in assisting in the advancement of rural women.

59. Following consideration by a select council of ministers of an assessment report in August 2001, on 8 October 2001 it was decided to establish a National Commission for the Advancement of Rural Women. The Commission is mandated in particular to propose plans and programmes conducive to achieving the objectives of the national policy for the advancement of rural women.

60. Furthermore, a joint circular issued in 1998 by the Ministry of Internal Affairs and the Ministry of Family and Women's Affairs, following a decision by the Head of State, requested that governors systematically appoint at least two women among the members named to each regional council so as to increase the presence of women in decision-making bodies.

61. The budget of the Ministry for Women, Family, Children and the Elderly has risen steadily, as demonstrated in the following table (figures in Tunisian dinars).

<i>Year</i>	<i>Budget, Ministry for Women, Family, Children and the Elderly</i>	<i>State budget</i>	<i>Percentage</i>	<i>Growth rate</i>
2002	3 000 000	11 533 000 000	0.026	
2003	28 222 000	11 410 000 000	0.24	89.37
2004	33 066 000	12 730 000 000	0.25	17.16
2005	39 746 000	12 990 000 000	0.30	20.20
2006	41 214 000	13 552 000 000	0.30	3.69
2007	46 990 000	14 360 000 000	0.32	14.10
2008	49 838 000	15 242 000 000	0.32	6.06
2009	55 571 000	17 106 000 000	0.32	11.50
2010	60 613 000	18 235 000 000	0.33	9.07

Reply to paragraph 9 of the list of issues

62. The National Council on Women, the Family and the Elderly is an advisory body of the Ministry for Women, Family, Children and the Elderly. It brings together representatives of governmental bodies and institutions dealing with issues of concern to women, families and the elderly, as well as representatives of partner NGOs and Tunisian associations and national administrations working in these fields. It thus provides an optimal place for the discussion of the main policies and reports on women and families, and the best possible tool for coordination among those in governmental and non-governmental bodies dealing with policies addressing women and the family. It also offers an appropriate forum for discussion of the activities and programmes to be undertaken.

63. The Ministry for Women, Family, Children and the Elderly relies on the National Council to develop partnerships between governmental and non-governmental bodies in relation to policy concerning women and families. In March 2004 the membership of the National Council was extended, opening it up further to partners from civil society, stakeholders and national administrations.

64. The National Council currently has three commissions: a national commission on women and public life, a commission on reconciling public life and family and a national commission on the elderly.

65. These advisory commissions support the Ministry in diagnosing any kinds of problems and in drawing up recommendations.

66. The role of women in civil society and their participation in public life has been strengthened by promoting and consolidating a social fabric among Tunisian women. It has been a hallmark of the policy for advancing women in Tunisia to encourage them to become involved in associations and political life and to support women's NGOs.

67. In implementing its projects and programmes, the Ministry for Women, Family, Children and the Elderly relies on NGOs, making use of memoranda of understanding and programme contracts. The Ministry funds projects and provides an appropriation (or subsidy) to NGOs. Within the Ministry there is a bureau devoted to relations with such organizations.

68. There are currently over 25 women's NGOs taking part in these programmes and activities. Among the women members of the 9,500 NGOs currently existing in Tunisia, 25 per cent hold posts of responsibility.

69. The role of associations has evolved significantly in the past decade. Where they used to merely offer assistance, they have gained some real economic influence, in particular by supporting income-generating work, managing social and educational institutions and helping university graduates to find employment.

Reply to paragraph 10 of the list of issues

70. The plan of action entitled "women and development", or promotion of gender equality, is a technical programming tool drawn up as part of the eleventh national development plan (2007–2011). It helps to promote greater equality between the sexes and greater autonomy among women. The plan of action reiterates the commitments undertaken as part of the Beijing Platform for Action and the Millennium Development Goals, and it responds to the gender in development strategy advocated under section 7 of the presidential programme for the period from 2009 to 2014 entitled "Together, let's meet the challenges". The aims of this plan of action are as follows:

- Give women a more active and effective role in all fields
- Reinforce women's potential to contribute to the national economy by means of their human resources and capacities
- Enhance women's know-how through stepped-up training programmes
- Facilitate women's access to new technologies
- Strengthen the presence of women in the labour market and provide guidance for self-employment and entrepreneurship
- Raise to at least 30 per cent the proportion of members of management and decision-making bodies who are women
- Develop mechanisms allowing women to reconcile family and working life
- Improve female-specific health indicators in urban and rural areas
- Mainstream the gender approach in local and regional development programmes
- Continue efforts to reduce school dropout rates and illiteracy rates among rural women and girls
- Pay more attention to women with specific needs

Violence against women

Reply to paragraph 11 of the list of issues

1. National database and 2007 national strategy for the prevention of violent behaviour in the family and society

71. As emphasized in the report, a national strategy for the prevention of violent behaviour in the family and society was indeed drawn up in 2007 and adopted in 2008 with the aim of prohibiting all forms of discrimination against women. This strategy is still facing a number of obstacles, including an insufficient exchange of data and findings from studies and research, and the lack of specific, appropriate and standardized data collection from the services and institutions concerned (police, national guard, health and social services and NGOs, etc.).

72. However, this state of affairs should in no way obscure the progress made. Even before the adoption of the 2007 national strategy for the prevention of violent behaviour in the family and society, and with due regard for scientific methodology, the Tunisian agencies concerned undertook several studies and investigations of the different forms of violence against women. Until the planned database is up and running, these studies and investigations are serving as the basis for the national strategy.

73. Special attention is thus being paid to researching and collecting data as the fundamental basis for guaranteeing the effectiveness of awareness campaigns and actions to defend women victims of violence and provide them with psychosocial, medical and legal assistance.

2. National survey on the prevalence of gender-based violence in Tunisia

74. At first, a few regional studies were carried out based on unrepresentative samples of the Tunisian population; these studies did, however, shed light on the psychological, epidemiological, legal and sociodemographic aspects of violence against women. Their findings provided useful information for preparation of the methodology used by the national survey of violence against women in Tunisia (ENVEFT), and subsequently for preparation of the adoption of a strategy to combat violence against women in the country.

75. The ENVEFT national survey was the first population survey conducted as part of the Promotion of Gender Equality and Prevention of Violence against Women project carried out by a partnership including the National Office for the Family and the Population (ONFP), the Ministry of Women's Affairs, Family, Children and Seniors, the Spanish International Cooperation Agency for Development (AECID) and the Centre for Arab Women Training and Research (CAWTAR). It was the most important step taken in phase 2 of that joint project.

76. The ENVEFT national survey had the following objectives:

- To estimate the frequency of gender-based violence in all its manifestations — verbal, psychological, physical, economic and sexual — to which women are subjected in the public and private spheres
- To study the determinants of such violence
- To identify profiles of women particularly vulnerable to violence
- To analyse how the violence affects women's health
- To analyse how women react to violence and how they seek assistance from institutions, and to assess whether they consider such help satisfactory

- To study the role and place of the family and close acquaintances in dealing with gender violence

77. This survey, which covers the entire Tunisian population, was carried out with 5,600 women in 4,200 households. A household questionnaire was drawn up to identify the situation of the women to be interviewed, to analyse socio-economic conditions and to help identify social determinants.

78. A second, individual questionnaire includes several modules aimed at understanding and analysing the specificities of the women surveyed. It looks at reproductive health problems and their possible correlation with gender violence, and also at the women's quality of life in terms of physical and mental health, and at acts of violence in their intimate life, within the family, at work, school and in public life.

79. The findings of the survey will serve as the basis for feeding and implementing the database to be set up under the national strategy for the prevention of violent behaviour in the family and society.

80. Other studies and research have also been undertaken in this framework.

81. The following table gives a summary of the most important ones, by type of research, year of publication and means of access.

<i>Type of research</i>	<i>Year of publication</i>	<i>Published by</i>	<i>Contact for access</i>
Study of violence against women	1991		Union nationale des femmes tunisiennes (National Union of Tunisian Women) (UNFT)
Study of violence against women	2001	Association tunisienne des femmes démocrates (Tunisian Women's Association for Democracy) (ATFD)	Association tunisienne des femmes démocrates (ATFD)
Violence in the family	2005	Ministry for Women, Family, Children and the Elderly	Ministry for Women, Family, Children and the Elderly
Violence in the family/domestic violence	February 2005	International reproductive health training centre of the National Office for the Family and the Population	Documentation, archives and publications centre of the National Office for the Family and the Population (ONFP)
Study of violence at school	2006	Ministry of Education and Training and United Nations Children's Fund (UNICEF)	Ministry of Education and Training and United Nations Children's Fund (UNICEF)
Overview of types of violence against women	Carried out between 2006 and 2009 as part of the cooperation project between ONFP and AECI on gender equity and the prevention of violence against women	To be published by the National Office for the Family and the Population (ONFP), in cooperation with the Spanish International Cooperation Agency for Development (AECID)	Documentation, archives and publications centre of the National Office for the Family and the Population (ONFP)

82. The institutional response to address violence against women was initially marked by the launch in 2006 of a cooperation project by the National Office for the Family and the Population (ONFP) and the Spanish International Cooperation Agency for Development (AECID) under the title "Promoting gender equity and preventing violence against women". This project is structured on a preventive approach, and has the following basic objectives:

- To contribute to preserving the health of women and improving their quality of life by providing the appropriate psychosocial and medical care for women victims of violence
- To develop and improve information and data collection skills for the detection and follow-up of cases of gender violence and of behaviours and beliefs conducive to it
- To mobilize associations and governmental agencies so that they cooperate more closely in promoting a culture of non-violence in the family
- To build the skills of those engaged in detecting and providing care for victims of gender-based violence and in preventing its occurrence

3. Statistics on violence against women, in particular domestic violence, sexual abuse and abuse of women at detention centres and prisons

83. The statistics on violence against women, in particular domestic violence, sexual abuse and abuse of women at detention centres and prisons, are as follows:

Trends in reports of domestic violence filed with the prosecution service

<i>Action</i>	<i>Judicial year</i>				
	<i>2002/03</i>	<i>2003/04</i>	<i>2004/05</i>	<i>2005/06</i>	<i>2006/07</i>
Cases filed	6 799	6 277	6 671	7 252	7 820
Reports examined	3 905	3 792	4 486	5 192	5 750
Discontinuance of proceedings or withdrawal of the case	1 558	1 857	1 652	2 021	2 204
Referral to a cantonal judge	353	243	284	504	318
Referral to a correctional court	1 589	1 972	2 091	1 710	2 217
Investigations opened	7	9	54	131	45
Discontinuance for other reasons	398	500	405	826	966

84. Statistics, domestic violence against women.

<i>Year</i>	<i>Number of persons incarcerated</i>
2008	56
2009	62

85. * Offences involving indecent assault against women.

<i>Year</i>	<i>Number of persons incarcerated</i>
2008	233
2009	263

86. * Offences involving rape with violence.

<i>Year</i>	<i>Number of persons incarcerated</i>
2008	672
2009	710

87. Number of perpetrators of domestic violence released from serving their sentences because the victims, their spouses, withdrew their complaints.

<i>Year</i>	<i>Number of detainees released by withdrawal of the complaint</i>
2008	3
2009	8

88. Penalties imposed on perpetrators.

<i>Type of offence</i>	<i>Penalties imposed</i>
Domestic violence	Between 2 months and 1 year of prison
Indecent assault against women	Between 4 years and 20 years of prison
Rape with violence	Between 5 years in prison and a life sentence

Number (by length of imprisonment) of people convicted for sexual offences

(Victims: women)

Judicial year 2008/09

<i>Length of imprisonment</i>	<i>Number</i>
Less than 1 month	4
1 month to 1 year	215
1 year to 5 years	117
Over 5 years	43
Total	379

89. Number of cases of domestic violence against women examined.

Judicial year 2008/09: Prosecution service

<i>Prosecution service</i>						
<i>Cases registered</i>	<i>Reports and complaints examined</i>	<i>Discontinued because of withdrawal of the complaint</i>	<i>Discontinued for other reasons</i>	<i>Referred to a cantonal court</i>	<i>Referred to a correctional court</i>	<i>Investigations opened</i>
6 509	4 339	1 517	874	242	1 697	9

90. Number of cases of domestic violence against women examined.

Judicial year 2008/09: Investigating judges

<i>Investigating judges</i>				
<i>Cases examined</i>				
<i>Cases registered</i>	<i>Referred to a criminal chamber</i>	<i>Referred to a correctional court</i>	<i>Referred to a cantonal court</i>	<i>Discontinued</i>
4	0	2	0	4

91. Number of cases of domestic violence against women examined.

Judicial year 2008–2009: Appeals courts, courts of first instance, cantonal courts

<i>Level of the court</i>	<i>Cases examined</i>							
	<i>Cases registered</i>	<i>Procedure discontinued because of withdrawal of the complaint</i>		<i>Relinquishment of the case through disqualification</i>	<i>Charges dismissed</i>	<i>Found guilty</i>	<i>Execution of sentence</i>	<i>Released from serving sentence by withdrawal of complaint</i>
		<i>because of withdrawal of the complaint</i>	<i>of the case through disqualification</i>					
Appeals courts	517	280	122	2	132	127	22	
Courts of first instance	3 360	1 802	344	41	882	70		
Cantonal courts	292	195	28	4	57	39	11	

4. Information on prosecutions, convictions and penalties imposed on perpetrators of violence

92. The Personal Status Code promulgated in 1956 protects women against all forms of violence, guarantees them full capacity to seek legal remedy and lays out various options for compensation. The 1993 reforms pursuant to which certain articles of the Personal Status Code and the Criminal Code were amended led to tangible progress in efforts to counteract violence.

93. Former article 23 of the Personal Status Code required a wife to obey her husband and to “perform her conjugal duties in accordance with usage and custom”. Pursuant to Act No. 93-74 of 12 July 1993, (new) article 23 of the Code stipulates that “each spouse shall be considerate of, maintain good relations with and avoid causing injury to the other”. It thus establishes complementarity and independence as the new basis for relations between spouses. A wife is no longer considered part of her husband’s property but rather becomes a legal person in her own right, with the same rights and duties as her spouse.

94. Under article 31 of the Personal Status Code, a woman who has been the victim (or whose children have been the victims) of assault and battery, even where the injuries are slight, at the hands of the father or husband, may file for divorce on the grounds of the injury suffered, and obtain alimony, housing, custody and compensation in cash for the material and non-material injury inflicted by the husband.

95. In addition, domestic violence is punishable under criminal law by imprisonment for up to 2 years. The Act of 12 July 1993 amending article 218 of the Criminal Code treats the marital relationship as an aggravating circumstance that warrants a harsher penalty. According to (new) article 218, “any individual who wilfully commits assault or battery or any other act of violence or assault ... shall be punished by imprisonment for one year and a

fine of 1,000 dinars. If the perpetrator of the assault is a descendant or spouse of the victim, the penalty shall be two years' imprisonment and a fine of 2,000 dinars".

96. The penalties imposed can be pecuniary or custodial depending on the seriousness of the case. The right to compensation is recognized and damages should be commensurate with the injury suffered. Compensation is awarded for bodily, material and non-material injury.

Reply to paragraph 12 of the list of issues

97. Marital rape is, like all other forms of rape, a crime under Tunisian law. It falls under articles 227 and 227 bis of the Criminal Code. It should be stressed that neither of these articles under any circumstances treats the status of spouse as a status conferring immunity from prosecution or as a mitigating circumstance for the assailant. The law is thus applicable to everyone and rape is deemed to have occurred in the absence of consent on the part of the woman.

98. In practice, there do not appear to have been any complaints of marital rape. Several women's rights associations have mounted campaigns to make women aware of their rights and have established listening and counselling centres for women victims of any kind of assault. The courts will not fail to prosecute and, where appropriate, punish any cases of marital rape that are referred to them.

Reply to paragraph 13 of the list of issues

99. In order to better protect women against any forms of attack on their freedom resulting from forced sexual acts or immoral practices or gestures, the Tunisian legislature adopted in 2004 a new law on the repression of morally offensive acts and sexual harassment, amending and supplementing the Criminal Code.

100. The new law has considerable scope; it is intended to put an end to various practices that undermine women's dignity or that, in words or acts, are offensive to public decency.

101. Under this law, any individual whose words or actions offend public decency is subject to six months' imprisonment and a fine of 1,000 dinars. This penalty also applies to any individual who publicly uses recordings or text messages (SMS) for indecent purposes.

102. The main objective of this law is to put an end to any attempt at sexual harassment which constitutes a form of violence against women.

103. Any individual who sexually harasses a woman through repeated acts, words or gestures, thus violating her decency, is subject to imprisonment for one year and a fine of 3,000 dinars. This penalty is doubled if the victim is a child or disabled.

104. Under article 226 ter of the Criminal Code, a person who commits sexual harassment is subject to imprisonment for one year and a fine of 3,000 dinars. Sexual harassment is defined as any persistent behaviour which embarrasses another person through the repetition of actions, words or gestures likely to harm that person's dignity or offend his or her decency with the aim of causing the person to submit to the sexual advances of the offender or of a third party, or exerting such pressure as to weaken the person's will to resist.

105. The penalty is doubled when the offence is committed against children or other persons particularly vulnerable due to mental or physical impairments preventing them from resisting harassment.

106. Judges thus are responsible for deciding the severity of the penalties according to the seriousness of the prejudice, be it physical or psychological, as long as the dignity and the decency of the victim are affected.

107. However, out of either shame or fear, women rarely report workplace harassment.

108. The statistics services of the Ministry of Justice and Human Rights recorded only one conviction for harassment during the 2008/09 judicial year, for which the penalty was limited to a fine of 1,000 dinars.

Reply to paragraph 14 of the list of issues

1. Compliance of Tunisian legislation with the Convention and the Committee's general recommendation No. 19

109. There are many forms of legal and social protection against domestic violence. As explained during the presentation of the fourth periodic report before the Committee, the Tunisian legislature has addressed the problem of domestic violence, combining strict corrective measures with a spirit of tolerance, while considering the interests of the family to be paramount.

110. Although in this context, filing a complaint is the prerogative of the spouse (who may withdraw the complaint at any time if conciliation becomes an option, thus staying the prosecution, trial or enforcement of the sentence), when a spouse asserts his or her right and demonstrates the prejudice suffered, the marital relationship is still considered an aggravating circumstance.

111. The Tunisian legislature, intent on striking a balance between women's rights and those of the family in cases of domestic violence, has tried to guarantee a measure of balance between strictness and tolerance. The goal of this conciliatory approach is to leave the door open for sound family reconciliation rather than closing it by seeking at all costs to punish the spouse, which would in all likelihood lead to separation and the break-up of the family.

112. This approach is also valid in cases where the perpetrator of a rape and the victim marry, if the latter was under 20 years of age at the time of the crime, thus terminating the prosecution or nullifying the conviction. The aim has to be understood within the specific social context of the case in question. It does indeed give precedence to the general interest of the family and to the wishes of the victim herself, who for strictly personal and social reasons, may prefer such a solution, however advantageous it may be to the assailant, to those generally applied under Tunisian law.

113. Tunisia is nonetheless convinced of the need to adapt this particular law to the spirit of the Convention and the Committee's general recommendation No. 19. The fact that such solutions are used increasingly rarely [in time and space] would seem to indicate that it will be possible in the near future to better adapt Tunisian law to international standards in this area, and in the direction desired by all. This is bound to happen as the emancipation of women gradually becomes a reality for all women, of all categories.

2. Right of women victims to compensation

114. Under Tunisian law, any offence is subject to public prosecution, the goal of which is to apply penalties, and if prejudice has been caused, to civil action to claim compensation for such prejudice.

115. Under Tunisian law, women involved in civil proceedings have full rights to fair and effective treatment, and they are provided with every guarantee of modern and equitable justice on a par with men. Women have full capacity to seek legal remedy in civil matters.

116. Tunisian law provides for several possibilities of compensation for women victims of violent acts.

117. Women victims of violence thus have all the guarantees provided by Tunisian law to seek the conviction of the perpetrator as well as the possibility of seeking compensation for injury.

118. The remedy may be sought personally and independently, or through a lawyer of the woman's choosing, so as to ensure that her rights are preserved and her legal recourse is not subject to any restrictions.

119. Articles 2 and 7 of the Code of Criminal Procedure fully guarantee the exercise of this right. Public action brought and prosecuted by judges or officials otherwise authorized by law to do so may also be initiated by the injured party under the conditions set out in the Code.

120. Civil action is available to all who have personally suffered harm directly caused by the offence. It may be brought concurrently with the public action or separately, before a civil court. In the latter case, if a public action too has been brought, the judgement is suspended in the civil suit until there has been a definitive ruling in the public one. A party who has brought action before a competent civil court may not bring it before a criminal court, unless the case has been brought before a criminal court by the public prosecutor prior to a substantive judgement being rendered by the civil court.

121. Tunisian law thus grants victims the right to seek compensation for prejudice resulting from an offence and allows them to choose the means of doing so, before either a criminal or civil court. Article 7 of the Code of Criminal Procedure provides that "civil action may be brought by all persons who have directly suffered personal injury as a result of the offence. It may be brought concurrently with the public action or separately before a civil court. In the latter case, when a public action has been brought, the judgement in the civil suit shall be suspended until there has been a definitive ruling in the criminal case".

122. Non-material damage suffered by victims of an offence is covered in articles 82 and 83 of the Code of Obligations and Contracts. Although the right to compensation for non-material damage is recognized, these articles do not set an exhaustive and restrictive list of the categories of non-material damage. Such damage has nonetheless been widely adjudicated on by Tunisian courts with the aim of ensuring victims receive fair compensation in proportion to the various categories of non-material damage incurred. Compensation is considered for the following categories:

- Pain and suffering
- Disfigurement
- Loss of amenities
- Injury to a minor aggravated by the youth of the victim
- Sexual or reproductive impairment

123. Once the judgement, whether criminal or civil, becomes enforceable, the party entitled to the compensation may proceed with enforcement through a bailiff-notary, who acts in accordance with the enforcement mechanisms laid out in the Code of Civil and Commercial Procedure.

Reply to paragraph 15 of the list of issues

124. Several means have been developed in Tunisia to spread information on how to access the country's shelters and rehabilitation centres for women victims of domestic violence and on the resources provided by such centres.

125. In addition to official and unofficial websites dedicated to the situation of women and various related matters and information, and to television and radio broadcasts, on 25 November 2008 the Ministry for Women, Family, Children and the Elderly set up a toll-free hotline (80-100-707) for battered women, to listen to their stories and provide counselling services and follow-up on their cases.

126. Regarding the possibility of judges issuing temporary protection orders for victims of domestic violence, Tunisian law does not provide for specific procedures guaranteeing such protection. However, upon request, on the basis of sound, corroborated and credible information and using the means available, judges face no obstacles to taking appropriate measures to ensure effective protection against potential reprisals or intimidation of women victims who, in the course of criminal proceedings, file complaints and testify about acts of violence they have endured. Such measures may consist in establishing, without prejudice to the defendant's rights, including the right to a fair trial, procedures which, insofar as possible and as needed, guarantee the victim increased physical protection against any reprisals by the assailant.

Reply to paragraph 16 of the list of issues

1. Information and clarifications on wearing the hijab

127. First, it should be noted that women who wear the hijab are not subject to any harassment or violence. The resurgence of this distinctive garb, a kind of uniform, which, it is claimed, is Islamic, has recently been criticized and even outright rejected by various categories of Tunisian society, particularly the intelligentsia. According to Mr. Taoufik Ben Ameer, Professor of Islamic Civilisation and Thought at the Faculty of Humanities and Social Sciences in Tunis, the Koran "does not impose any specific attire, let alone a uniform".

128. "When examining the texts critically, one does not find a single reference to a uniform of any kind. Women must behave decently. Islam does not impose any uniform, although the Koran does mention in a few verses that a woman's attitude or demeanour must not be provocative.

129. "The *khimar*, for its part, was worn by Arab women before the dawn of Islam. It is therefore not a Muslim institution. Rather, it stems from tradition, hence the need to distinguish between the religion and the society. All this proves, if proof is needed, that the Koran does not impose any specific attire. Certain verses of the Koran make reference to the *jalabiya*, yet another garment worn by women in earlier times. Islam does not speak of any single kind of attire, let alone of any uniform.

130. "It is all a matter of behaving in a proper, serious, decent and non-provocative manner. One could even go further by pointing out that the Koran explicitly states that piety is the best attire.

131. "In a State subject to the rule of law, with institutions and a Constitution, no deviation from our identity can be tolerated under any pretext.

132. "If we are to understand this new trend of adopting a specific colour in addition to uniformity, we must take a fresh look at identity and authenticity, that is, a system of values

and symbols. These two elements are very closely linked. A disconnect between them is the symptom of a deviation both in identity and in authenticity.”

133. The influx of information from satellite channels has significant influence on whether women wear the hijab. As does imitation, a behaviour which can be explained by a lack of awareness or critical thinking. This attire evokes traditions alien to Tunisia. There is, in fact, no sign of this tradition in our past. Our female ancestors did not wear this garment, not even in rural areas.

134. Identity is a national asset, the preservation of which is the responsibility of all. It is not, as some would claim, a matter of individual freedom. Wearing a uniform is more of a sectarian trend and is detrimental to national unity.

135. Tunisia is intent on promoting the values — liberty, tolerance and solidarity — which are both authentic and modern.

136. Tunisian reformers, including Tahar Haddad, have all based their analyses on the reality in Tunisia. As early as the first half of the nineteenth century, they had understood the exact meaning of authenticity. It is neither a finished product nor a given. Nor is it merely the past; it is above all the present and the future.

137. “As the ideal representation of authenticity must be conscious and critical, it cannot take on all traditions, nor can it accept all readings of the texts. The reformers understood this full well when they settled on four essential principles.

138. The Tunisian approach has been to go beyond the literal meaning of the texts to seek out their objectives. We cannot restrict ourselves to a past gone by without dangerously reverting to obscurantism.”

2. Views of the Administrative Court on wearing the hijab

139. In the judgement rendered in case No. 10629/1 of 24 January 2008, the Administrative Tribunal recognized the legality of Circular No. 102 of 29 October 1986 by which the Minister of Education urged public schoolteachers to dress in accordance with the country’s conventions and prohibited them from wearing clothing bearing a sectarian influence of any kind, including the Islamic veil for women.

140. The Administrative Tribunal ruled that civil servants of course have the freedom to dress as they see fit. However, this freedom must be exercised within the constraints of discretion required by their position and the specific nature of their work.

141. This decision highlights the delicate balance between the teachers’ freedom to choose the way they dress, which is an inalienable individual freedom, and the duty of discretion incumbent upon them as civil servants. This duty is particularly obvious in the field of education and in a system whose objective is to develop the pupils’ personalities, to foster their ability to choose freely and to instil in them the values of tolerance and moderation.

142. Given the specific function of educational institutions, the important role incumbent upon teachers and the influence they wield over children, particularly young ones, in the end the Tribunal recognized that the administration had the right to have a say in the way teachers dressed so as to prevent any risk of exclusion, or worse, of indecency or impropriety.

143. This decision is in keeping with the case law, which has consistently and unequivocally recognized the right of female civil servants, including teachers, to wear the traditional Tunisian scarf (*takrita*). That position respects the choice of some women to cover their head and hair, without any connotation that may hinder the proper functioning of public services.

Trafficking and exploitation of prostitution

Reply to paragraph 17 of the list of issues

1. Information on the prevalence of trafficking in women and girls for the purpose of sexual and economic exploitation

144. With regard to trafficking in persons, Tunisia cannot be considered a country of origin, transit or destination as defined under the United Nations Convention against Transnational Organized Crime, the Protocol against Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

145. Regarding the other forms of trafficking in persons, Tunisia cannot be placed in any of the following categories (country of origin, transit or destination) since the offences recorded in this field have never transcended national borders and have thus been limited to the actions of criminals working on their own and operating only in Tunisia, generally in their own localities.

146. Nonetheless, due to its geographic location, Tunisia faces the problem of illegal or clandestine migration to Europe by sea not only of Tunisian nationals but also of those of other African countries. In this specific context, Tunisia may be considered a country of origin and transit.

147. In this respect, it should be noted that illegal migration is fundamentally different from trafficking in persons.

148. Smuggling illegal migrants consists in facilitating the illegal entry of persons who, for economic reasons (seeking employment or a better quality of life), are trying to cross into a country illegally and of their own volition; whereas trafficking in persons includes an element of exploitation of a person by one or several other persons (for forced labour, prostitution or other forms of servitude) as well as an element of the threat or use of force, coercion or deceit.

149. Illegal migration in Tunisia does not result from the activities of criminal organizations, the mafia or structured networks, but rather mainly involves individuals acting on their own initiative. Illegal migrants pay their own way; their crossing expenses are not paid for by a third party with the intention of subsequently exploiting them in the country of destination. The vessels they use are generally not fitted for transporting people, and are stolen from fishermen.

2. Measures taken at the national level to prevent and suppress trafficking in women and girls

150. The preamble to the Constitution of the Republic of Tunisia highlights the drafters' concern with "the human values that constitute the common heritage of peoples for whom human dignity, justice and liberty are vital and who are striving for peace, progress and free cooperation among nations". Tunisia was among the first States to prohibit slavery, doing so in the nineteenth century by the Decree of 23 January 1846 which imposed criminal penalties on any person who enslaved another.

151. Tunisia has ratified the United Nations Convention against Transnational Organized Crime² as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children³ and the Protocol against Smuggling of Migrants by Land, Sea and Air;⁴ and it has banned trafficking in persons. Tunisia is also active in a variety of forums where it exchanges information on strategies to combat trafficking in persons.

Combating trafficking in persons for the purpose of sexual exploitation

152. Although the cases registered by the various departments concerned are quantitatively and qualitatively limited and the problem thus cannot be considered widespread, Tunisia continues to make every possible effort to eradicate all forms of trafficking in persons, which it considers a genuine problem to be combated by all preventive, punitive, legal and institutional means.

153. Tunisia has been aware since the nineteenth century of the seriousness of trafficking in persons as an offence against human dignity. Since 1846,⁵ the legislature has made significant and ongoing efforts to prevent and sanction the crime of trafficking in persons.

154. The country's accession to the various international instruments relating to trafficking in persons and its adoption of an array of laws criminalizing such trafficking in any form demonstrate a true awareness of the dangers associated with this issue as well as its commitment to combating such acts.

155. Tunisian law provides for sufficiently strict sanctions to discourage such acts from being committed. Among these legal texts, the following articles of the Criminal Code are worthy of mention:

- Article 226 (indecent behaviour or exposure in public)
- Article 227 et seq. (indecent assault)
- Article 237 (abduction)
- Article 232, which reads: "Shall be considered a procurer of sex workers and be liable to a penalty of 1 to 3 years' imprisonment and a fine of 100 to 500 dinars, any person who:
 - By whatever means, knowingly provides aid, protection or assistance in the prostitution of another person or in solicitation with the intent of prostitution
 - By whatever means, shares in the earnings of the prostitution of another person or receives payments from a person habitually engaged in prostitution

² Tunisia has adopted the United Nations Convention against Transnational Organized Crime (Act No. 2002-63 of 23 July 2002), ratified it (Decree No. 2002-2101 of 23 September 2002) and has published it (Decree No. 2004-1398 of 22 June 2004).

³ Tunisia has adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 2003-5 of 21 January 2003), has ratified it (Decree No. 2003-698 of 25 March 2003) and has published it (Decree No. 2004-1399 of 22 June 2004).

⁴ Tunisia has adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 2003-6 of 21 January 2003) has ratified it (Decree No. 2003-777 of 31 March 2003) and has published it (Decree No. 2004-1400 of 22 June 2004).

⁵ Decree of the Bey (*décret beylical*) of 23 January 1846 prohibiting the exploitation and trafficking of slaves, particularly blacks.

- Knowingly living with a person habitually engaged in prostitution, cannot demonstrate sufficient resources to provide for his or her own needs
- Recruits, entices or retains a person, even with that person's consent and even if the person is of legal age, for purposes of prostitution, or leads the person to prostitution or debauchery
- Acts as an intermediary, in whatever capacity, between persons engaging in prostitution or debauchery and the individuals taking advantage of or remunerating another's prostitution or debauchery

The attempted commission of such offences shall be punishable.”

“The penalty incurred shall be 3–5 years' imprisonment and a fine of 500–1,000 dinars in cases where:

- The offence has been committed against a minor
- The offence has been committed through coercion, abuse of authority or deceit
- Under article 233 of the Criminal Code, such penalties are applicable when the perpetrator is the spouse, forebear or guardian of the victim, or had authority over the victim or was the victim's paid servant, or is a teacher, civil servant or religious minister, or was aided by one or more persons.”

156. However, it should be noted that as part of the effort to adapt domestic law to the relevant international norms and principles, a set of proposals, including the adoption of a law specifically criminalizing trafficking in persons, has been submitted to the appropriate authorities. One of these proposals addresses the criminalization and prevention of trafficking in persons. To this end, a bill has been drafted by the Centre for Legal and Judicial Studies at the Ministry of Justice and Human Rights.

Assistance and protection afforded to victims of trafficking

157. Tunisian law grants extensive rights to victims of trafficking in persons, including the right to medical, social, material and legal assistance, the right to compensation and non-pecuniary damages,⁶ as well as the right to protection during criminal proceedings, as a result of which courts must order, either *ex officio* or at the request of the public prosecutor, that hearings be held *in camera* in order to maintain public order or morality.⁷

158. Since 2002, legal aid has been granted in criminal cases to civil claimants, or for the enforcement of judgements and for the exercise of the right of appeal. Legal aid may also be awarded to foreign nationals when the Tunisian courts are competent to hear disputes to which they are a party, in accordance with any judicial cooperation agreement on legal aid entered into with the country of origin, subject to reciprocity.⁸

⁶ Code of Criminal Procedure, art. 1.

⁷ Code of Criminal Procedure, art. 143.

⁸ Act No. 2002-52 of 3 June 2002 on the granting of legal aid, arts. 1 and 2, Official Gazette of the Republic of Tunisia, 4 June 2002, No. 46, p. 1316.

Combating trafficking in persons for the purpose of economic exploitation

159. Tunisia's approach to combating forced or bonded labour is founded on the constitutionally-protected right of citizens to work,⁹ in conditions where their fundamental freedoms and human rights, in particular the right to dignity,¹⁰ are respected.

160. The Tunisian Labour Code and other specialized texts include deterrents against the economic exploitation of women, children and foreign nationals.

161. Article 5 bis of the Labour Code, as amended by Act No. 93-66 of 5 July 1993, stipulates that "no discrimination between men and women shall be made in the application of the provisions of this Code and the legislation adopted to implement it". This principle is recognized in both the private and public sectors. Women are no longer victims of bonded labour; furthermore, women and children are protected against the performance of arduous work, for instance underground in mines and quarries¹¹ or in the salvaging, processing or storing of used metals.¹²

162. Children under the age of 16 may not be employed in any activities governed by the Labour Code unless covered by a special provision.¹³ Moreover, children under the age of 18 may be employed in these activities only after undergoing an in-depth medical examination verifying their ability to perform their assigned tasks. Such examinations are carried out free of charge by the occupational health physician.¹⁴

163. One solution provided by the Labour Code for combating economic exploitation is to prohibit the night-time employment of women and children for a number of hours that varies depending on the nature of the activity (agricultural or non agricultural) and the age of the child,¹⁵ as subject to special provisions.

164. In addition, any person who makes use of a child under 18 years of age for begging is liable to imprisonment for one year. The penalty is doubled if the child is employed as part of an organized group.¹⁶

165. Begging is prohibited. The Decree of 3 April 1939 sets out the penalties for a person engaged in begging for charity handouts.

166. Workers, whether men, women, children or foreign nationals, may not be dismissed by their employers without written notice indicating the grounds for dismissal. Dismissal without real and serious justification or in the absence of compliance with statutory procedures or those established in regulations and agreements is considered as unfair.¹⁷

167. Unfair breach of contract by an employer entitles the worker to seek damages.¹⁸

⁹ Preamble to the Constitution of the Republic of Tunisia.

¹⁰ Constitution of the Republic of Tunisia, art. 5.

¹¹ Labour Code, art. 77.

¹² Labour Code, art. 78.

¹³ Labour Code, art. 53.

¹⁴ Labour Code, art. 61. Article 374 of the Code further stipulates that children may not be employed in agricultural establishments if they do not have the physical capacity required to perform the tasks assigned to them.

¹⁵ Labour Code, arts. 65 ff.

¹⁶ Criminal Code, art. 171.

¹⁷ Labour Code, art. 14 ter.

¹⁸ Labour Code, art. 23.

168. To avoid bondage of any kind, overtime worked above the standard work week is compensated.¹⁹ Employers are obligated to provide 24 consecutive hours of weekly rest, subject to special exemptions.²⁰

169. All workers are entitled to paid statutory holidays in those activities where work cannot be interrupted. Workers who work on those holidays are entitled, at the employer's expense and in addition to the wages corresponding to the work done, to compensation equal to those wages. This exemption does not apply to women and youth under 18 years of age.²¹

170. Workers are entitled to paid annual leave at the employer's expense.²²

171. Workers' remuneration is set either by mutual agreement between the parties or by collective agreement, in accordance with the guaranteed minimum wage set by decree.²³

172. The labour inspectorate is responsible for monitoring the implementation of the legal, regulatory and collective agreement provisions governing labour relations and for prescribing where necessary measures to eliminate flaws or abuse.²⁴ Labour inspectors must report any violation of these provisions to the competent authority.

173. Moreover, all employers are obligated to take the necessary and appropriate measures to protect workers and avoid occupational hazards. To this end, a system has been put in place to compensate the victims or their survivors for damages resulting from industrial accidents or occupational illness.²⁵

174. A few years after independence, workers were already benefiting from social security schemes to protect them and their families against risks likely to harm their material and non-material conditions.²⁶ Workers affiliated with such schemes receive, inter alia, family benefits, health care and, above all, a pension as from the statutory age of retirement.

3. Information on measures taken to ensure specialized training on trafficking to members of the police, border guards, lawyers and members of the judiciary, and on the effectiveness of these measures

175. The institutions responsible for training public officials (the Higher Institute of the Judiciary, the Academy for Prison Administration Officers, the Academy for National Security Officers and the Higher Institute of Lawyers) all provide instruction related to human rights, fundamental freedoms and the suppression of crime in all its forms.

176. Regarding the continuing education of practising judicial officers, the Higher Institute of the Judiciary organizes conferences and symposiums on topics such as victim rights, human rights, the judiciary and human rights, human rights in Tunisian law, the Constitutional Council, the criminal court and human rights, Tunisia and human rights, women and the law, women and modernity, legal aid, youth protection mechanisms in Tunisian law, and family rights within the Code of International Private Law.

¹⁹ Labour Code, arts. 90 and 94.

²⁰ Labour Code, arts. 95 and 106.

²¹ Labour Code, arts. 107 ff.

²² Labour Code, arts. 112 and 123.

²³ Labour Code, art. 134.

²⁴ Labour Code, arts. 170 ff.

²⁵ See Act No. 94-28 of 21 February 1994 regarding the system of compensation for damages resulting from industrial accidents or occupational illness.

²⁶ Act No. 60-30 of 14 December 1960 on the organization of social security schemes.

177. In addition, as part of cooperation by the Ministry of Justice and Human Rights with regional and international institutions specialized in the area of human rights (the Arab Institute for Human Rights, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders), several judicial officers have taken part in training sessions in this field either in Tunisia or abroad (Sweden, Lebanon, Jordan and Japan). Thus, some 30 Tunisian judicial officers participated, along with colleagues from other Arab countries, in three training courses on the main international human rights instruments and on the various mechanisms, whether related or unrelated to the treaties, for enforcing international rules and provisions in this area.

178. The Ministry of Social Affairs, Solidarity and Tunisians Abroad has put in place a refresher course in its human resources service to strengthen competencies and improve support for trafficking victims.

179. Additionally, a training programme was designed for social workers (of which there are 1,400), comprising 30 training modules on supporting youth and families in difficulty.

180. Similarly, the Ministry of Social Affairs, Solidarity and Tunisians Abroad has trained psychologists working in the various social services to better address psychological problems related to the target population's vulnerable circumstances. This training activity has focused on recently emerging issues such as family problems, juvenile delinquency and children without family support.

181. Efforts are also under way to organize awareness campaigns about the sexual exploitation of children, to train qualified staff and to set up the appropriate structures to deal with difficult situations of this kind. Efforts to widely publicize these protection instruments and mechanisms will continue.

182. The national security services remain the focus of an awareness campaign on this subject.

Reply to paragraph 18 of the list of issues

1. Statistics, if available, on the number of women and girls engaged in prostitution either clandestinely or in legally authorized brothels ("houses of tolerance")

183. There are no precise statistics on the number of women prostitutes in Tunisia. Due to Tunisia's openness and strong tourism industry, it is difficult to track clandestine prostitution.

184. However, the number of women working in legally authorized brothels ("houses of tolerance") has declined sharply owing to a legislative and administrative policy to limit as much and insofar as possible the number of authorized locations reserved for this type of activity. According to a report drafted by the Tunisian Ministry of Public Health, whose mandate it is to oversee health and hygiene in these establishments, the number of women authorized to work as prostitutes does not currently exceed 400, in approximately 10 establishments.

185. The Ministry of Public Health subjects the authorized brothels to extremely strict health and hygiene controls by means of regular clinical checks and laboratory tests in order to protect the health of the prostitutes and that of their clientele. Every brothel is supervised by an approved doctor and for each prostitute a health record is kept.

186. Prostitutes who work in such brothels thus receive a weekly medical check-up under the auspices of the public health centre, a health agency present in every city, and are the subject of regular police checks. In addition, each establishment keeps a record of the

results of the medical and police checks carried out by the public authorities. This record must be submitted every week to the municipal service responsible for public morality, which is tasked with ensuring that current standards are respected in the brothels. No prostitute is allowed to leave the city without authorization from the public morality unit. Prostitution in Tunisia is governed by strict regulations, as demonstrated by this information.

2. Laws and measures adopted to prevent and punish the exploitation of prostitution

187. In addition to the punitive system and protective measures against trafficking in persons described in the preceding reply, special attention has been placed on economically and socially vulnerable areas in order to combat the underlying causes of trafficking in persons.

188. Tunisia has established a preventive instrument to combat poverty, with particular attention to the weakest social categories and impoverished individuals or those without family support. To this end, it has set up such mechanisms as the 26–26 National Solidarity Fund, the 21–21 National Fund for youth employment, a system of regular and special assistance, actions aimed at the economic integration of vulnerable groups and a system to protect workers laid off for economic reasons.

189. Efforts are also under way to organize more awareness campaigns on sexual exploitation, to train qualified staff and to set up appropriate structures for dealing with difficult situations of this nature. Efforts to widely publicize these protection instruments and mechanisms will continue.

190. The national security services, judges and public prosecutors remain the focus of an awareness campaign in this field.

3. Measures taken to provide rehabilitation and support for the social rehabilitation of women who wish to leave prostitution

191. As stated in the report, Tunisia has rolled out a number of mechanisms to facilitate the rehabilitation and reintegration of women victims and women in distress. These mechanisms are available to all women who wish to leave prostitution.

192. They include:

- The national strategy for social protection and integration, in place since 1992, which is part of a social policy for preventing all forms of social exclusion, deviance, delinquency, and economic and sexual exploitation, and for preserving family unity. Under this strategy, 11 social integration and defence centres have been created, specializing in providing support for persons and social categories threatened by marginalization. This support is given in various forms, including psychological assistance and family mediation and conciliation services.
- Reach-out services and shelters for women in distress both in public institutions and through NGOs. NGOs have been enlisted to assist with efforts to support and rehabilitate women. They contribute tailored solutions by establishing support services and legal aid on the premises of several women's associations.
- The Union Nationale des femmes tunisiennes (National Union of Tunisian Women) (UNFT) looks after women in distress by providing them temporary legal, medical and psychological support at assistance and orientation centres for women in distress.

- The Organisation tunisienne des mères (Tunisian Organization of Mothers) (OTM), whose headquarters opened a help centre for women in distress with a capacity of over 20 beds.
- The Association tunisienne des femmes démocrates (Tunisian Women's Association for Democracy) (ATFD) also contributes by sheltering women in distress and providing them psychological and legal support services.

4. Explanations on the apparent contradiction between the legal ban on prostitution and the existence of legally authorized brothels

193. First, the origin of these brothels is worth restating. Although they date back to the colonial era, they remain legal to this day. On the eve of independence, there were more than 50 brothels across the country.

194. Shutting down the brothels now would leave on the street a large number of women who in the short term would have no means of supporting themselves. Public social services are working on this issue in conjunction with the official institutions responsible for promoting human rights in general and more particularly women's rights.

195. There are currently close to 10 brothels operating legally, and at which the prostitutes are entitled to time off, are allowed to change their activity and receive medical attention and protection.

196. Tunisia, adhering to international norms prohibiting and suppressing trafficking in persons, especially women and children, has constantly worked to shut down these establishments. Those that are closed are not replaced. The philosophy is that shutting down these establishments should be done more or less naturally, so as not to harm either those working there or those who frequent them regularly. Moreover, given the tolerance of Tunisian society, authorized prostitution can only be reduced gradually as sociological balances grow stronger and equal and reciprocal relationships between men and women take root, particularly among young people in both rural and urban areas.

197. Lastly, Tunisia remains convinced that the number of prostitutes will decrease as female emancipation develops in Tunisia.

Political participation and participation in public life

Reply to paragraph 19 of the list of issues

198. In accordance with the objectives that the President of the Republic set regarding women and families under item 7 of the "Rising to challenges together", 2009–2014 presidential programme, more women were presented and participated in the last elections.

199. In fact, following the presidential and legislative elections of 25 October 2009, the proportion of women in the Chamber of Deputies reached 27.57 per cent (59 women out of 214 seats), 25 per cent of whom were in the opposition.

200. The presence of women on the candidate lists for the legislative elections of 25 October 2009 reached 18 per cent, whereas it had been only 15 per cent in 2004. As for the ruling party, the Rassemblement Constitutionnel Démocratique (Democratic Constitutional Rally) (RCD), the percentage of women candidates in legislative elections rose from 25 per cent in 2004 to 31 per cent in 2009.

201. Within the parliament, the presence of women increased from 21.16 per cent in 2004 to 26.17 per cent in 2009. The following table summarizes the positive progress made by women in politics over the past two legislative election cycles.

202. **Participation in legislative elections, by gender**

<i>Year</i>	<i>2004 elections</i>				<i>2009 elections</i>			
	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
<i>Number of deputies</i>								
Party in power (RCD)	116	77.85	36	90	113	71.51	48	85.71
Opposition parties	33	22.15	4	10	45	28.49	8	14.29
Total by gender	149	78.84	40	21.16	158	73.83	56	26.17
Total deputies	189				214			

203. Lastly, the President of the Republic in his presidential programme “Rising to challenges together” 2009–2014 expressed the wish that the presence of women in decision-making positions be further increased to 35 per cent over the course of his 2009–2014 presidential term.

Reply to paragraph 20 of the list of issues

204. It is undeniable that, thanks to political will driven by two fundamental factors – the promulgation of the Personal Status Code and the spread of education – the status of Tunisian women today has been strengthened in all fields, particularly in positions involving decision-making or responsibilities.

205. A series of special temporary measures have been adopted and implemented so as to change the political, social and economic status of women. These specific measures have not only affected the political sphere: similar measures have also been taken in the area of development at large.

206. For example, the party in power, the RCD, adopted a measure to include a minimum 30 per cent quota of women on its legislative and local electoral lists. This translated into 27.5 per cent of members elected to the Chamber of Deputies for the 2009–2014 legislature being women. Female members currently make up 38 per cent of the Central Committee of the RCD.

207. A similar measure was taken to ensure that 35 per cent of those on RCD lists in the municipal elections of 9 May 2010 would be women.

208. Information sessions for women have also been organized by the Centre de recherche, d'étude, de documentation et d'information sur la femme (Centre for Research, Study, Documentation and Information on Women) (CREDIF) covering issues such as the participation of women in public life and decision-making and preparing women to fulfil their responsibilities.

209. Moreover, a gender-based approach to policy planning and programming is now being adopted with a view to reducing potential gaps between the number of men and women in the various fields.

210. The proportion of women currently in the executive is 14.9 per cent. The percentage of women in the Chamber of Deputies in 2009 was 27.5 per cent, up from 22.5 per cent in 2004. That number is 19 per cent in the Chamber of Councillors. The positions of both Second Vice-President of the Chamber of Deputies and Second Vice-President of the

Chamber of Councillors are held by women. The proportion of members of municipal councils who are women is nearly 33 per cent. The percentage of managerial public service positions held by women was 25 per cent in 2009, versus 22.1 per cent in 2003.

Nationality

Reply to paragraph 21 of the list of issues

211. First, it should be stressed that Tunisia has already embarked on the road to reforming its legislation on nationality in order to bring it into line with international principles and standards on the topic. Significant progress has been made in this area.

212. Tunisia is continuing its efforts to review its position, especially relative to the reservations it has filed in respect of the Convention, by bringing this subject up whenever possible. These efforts have in particular led to the establishment of a new division within the Office of the Human Rights Coordinator at the Ministry of Justice and Human Rights whose mandate is to follow up on treaty body recommendations.

213. This division has taken a new look into the question of nationality and carried out a comparative study of various nationality laws in force in the region. Representatives from the relevant ministries, the Centre for Legal and Judicial Studies at the Ministry of Justice and Human Rights and CREDIF cooperated in this effort.

214. In addition, the Organization of Arab Women and the various NGOs active in these areas, including the Union nationale des femmes tunisiennes (National Union of Tunisian Women) (UNFT) and the Association tunisienne des femmes démocrates (Tunisian Women's Association for Democracy) (ATFD), have begun studying this topic through gatherings and meetings and in studies and research conducted by investigators from various legal, sociological, theological and other disciplines.

Education and stereotypes

Reply to paragraph 22 of the list of issues

215. Since its independence, Tunisia has established an education system that guarantees all Tunisian children the right to access to school without discrimination on the grounds of sex or any other criterion used for segregation or differentiation. Article 1 of Outline Act No. 2002-80 of 23 July 2002 on education and schoolteaching policy stipulates that "schooling is a fundamental right guaranteed to all Tunisians without discrimination on grounds of sex, social origin, colour or religion".

216. The Tunisian approach to development is based on a number of principles including universality, complementarity, the indivisibility of the economic and social dimensions of development, the enhancement of human resources and the improvement of living conditions for all sectors of the population.

217. Under that approach, Tunisia has continually invested in human capital as part of its development effort. It has constantly developed its education system, which has received the human and material resources to improve its effectiveness and quality, thus enabling it to fulfil its role in the best possible manner.

218. The interest in the education system stems from the fact that it is one of the decisive factors in the enhancement of human resources and is one of the best ways to effectively

ensure the smooth and successful social integration of the population and to make the economy more competitive.

219. In an effort to establish equality between boys and girls, Tunisia has opted for mixed schooling. Thus, students of both sexes attend the same schools and study in the same classes.

220. Measures have been taken to ensure that all sectors of the population have access to education; including children from urban as well as rural areas, children with disabilities and children with specific needs.

221. Outline Act No. 2002-80 of 23 July 2002 on education and schoolteaching policy stipulates that “education is a national priority, and school attendance is compulsory from age 6 to age 16. Schooling is a fundamental right guaranteed to all Tunisians without discrimination on the grounds of sex, social origin, colour or religion”.

222. This Act stipulates that “the State guarantees the right to free education in State schools for all those of school age, and equal opportunities in the enjoyment of that right for all pupils, as long as they are able to pursue their studies on a regular basis”.

223. Thanks to legislative measures, funding for education (which in 2009 represented nearly 19.9 per cent of the State budget and 5 per cent of gross domestic product) and the implementation of specific programmes, Tunisia has since the 1997/98 school year achieved universal enrolment of children of 6 years of age, with an enrolment rate of 99 per cent for boys and girls. For children between the ages of 6 and 11, the enrolment rate has exceeded 97 per cent for both girls and boys in recent years.

	1997/98	2002/03	2008/09
School enrolment, age 6 (%)			
Boys	99.0	99.0	99.1
Girls	98.9	99.0	99.1
Total	98.9	99.0	99.1
School enrolment, ages 6–11 (%)			
Boys	97.0	97.0	97.3
Girls	96.4	97.5	97.4
Total	96.7	97.2	97.4

224. There are even more girls than boys in the second cycle of basic education and in secondary education; 53.8 per cent of students at those levels are girls.

225. This egalitarian approach has resulted in a balance between girls and boys in schools. The following table show school enrolment rates by sex and by age group.

Age group	2007/08			2008/09			2009/10		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Age 6	99.1	99.1	99.1	99.2	99.2	99.2	99.3	99.3	99.3
Ages 6–11 years	97.3	97.4	97.4	97.4	98.0	97.7	97.9	98.5	98.2
Ages 6–16 years	91.1	92.2	91.6	90.4	92.4	91.4	91.3	92.8	92.1
Ages 12–18 years	74.4	79.9	77.1	72.1	78.9	75.4	74.7	81.4	78.0

226. This equality is seen not only in large cities; rural areas show the same distribution of boys and girls in schools. The following table, which indicates the percentage of girl students by cycle, clearly illustrates this distribution.

		2007/08	2008/09	2009/10
First cycle of basic education	Rural areas	47.3	47.5	47.6
	Urban areas	48.1	48.3	48.2
Total		47.8	48.0	48.0
Second cycle of basic education and secondary education		53.2	53.6	53.8

227. Under the Outline Act, the State ensures that the conditions in schools are such that they allow children with specific needs to enjoy their right to education; it also provides aid to students from low-income families.

228. This Act was strengthened by Act No. 2005-83 of 15 August 2005 on the advancement and protection of persons with disabilities, which is designed to guarantee equality of opportunity for persons with disabilities and to promote their interests and protect them against all forms of discrimination. It also stipulates that “the rehabilitation, education, schooling and vocational training of persons with disabilities are considered to be the responsibility of the State”.

229. With regard to preparatory classes for children aged 5 to 6, in an effort to put into practice the principles of equity and equality of opportunity for all children in rural as well as urban areas, the State has worked to set up more preparatory classes in State primary schools primarily in rural areas, given that the private sector invests almost exclusively in urban areas.

230. In the first cycle of basic education, particular attention has been given to low-performing schools, mainly in rural areas, through specific programmes to improve organization, materials and teaching methods as well as school life for students (by building multipurpose halls, canteens, etc.). The State has made efforts to provide all schools with basic infrastructure such as running water and electricity, which are available in 89.2 per cent and 99.8 per cent of schools, respectively.

	Urban areas	Rural areas	Total
Percentage of schools equipped with running water	99.5	82.5	89.2
Percentage of schools connected to the power grid	100.0	99.6	99.8

231. Girls with disabilities enjoy the same rights to access to education as other students. In addition to the specialized schools for children with severe disabilities run by the Ministry of Social Affairs, Solidarity and Tunisians Abroad, the State is implementing a school integration programme to allow children (both girls and boys) with minor disabilities to attend mainstream schools and integrate into society.

232. This programme establishes integrated classes and provides appropriate training to help teachers adjust their teaching methods to the children’s needs. It also involves structural improvements to schools so that students with disabilities can access the buildings, move about the grounds and have unrestricted access to the various services available.

233. The following table traces the development of the school integration programme for children with specific needs and their distribution by sex.

	2007/08			2008/09			2009/10		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
First cycle of basic education	1 547	1 069	2 616	1 592	1 061	2 653	1 688	1 114	2 802
Second cycle of basic education and secondary education	1 038	755	1 793	1 028	772	1 800	944	734	1 678

234. With regard to minority groups, it should be remembered that Tunisia has always welcomed foreigners and has always been a crossroads of civilizations. It has also succeeded in integrating this cultural diversity with respect for the intrinsic differences of each social group, while at the same time encouraging cultural intermingling and bringing together these different contributions, with a view towards blending and social harmony.

235. Consequently, the subject of minorities has never been thought of as an issue in Tunisia, particularly with regard to education, as all students speak the same language, share the same cultural and civic values, follow common traditions and attend the same institutions, all of which offer the same education programme.

Reply to paragraph 23 of the list of issues

1. The elimination of all degrading and disparaging comparisons between women and men in school textbooks

236. Equality and parity between girls and boys is a reality in all cycles of education, but it is also a requirement for the design of school programmes and textbooks.

237. One of the criteria set out in the specifications for the design of school textbooks is that they must be free of any discrimination: "relations of equality between persons of the two sexes, non-stereotypical ... representation of personal or social characteristics".

238. One of the accomplishments of the Tunisian education system is that it puts into practice the principle of absolute equality between the two sexes. First and foremost it must be made absolutely clear which values schools should teach students before all else: equality and respect for others.

239. To that end, school textbooks offer as role models empowered, determined and brilliant women. These include the women depicted in the texts "*Om Kalthoum*" and "An Olympic champion" in the Arabic textbook for the eighth year of basic education, women surgeons or carpenters and Nobel Prize laureates such as Marie Curie. These textbooks also encourage girls to choose careers or jobs that deviate from traditional gender roles and promote ambition and independence among young girls.

240. Other texts refer to equality between men and women with regard to work and responsibilities.

241. The second lesson in the Arabic textbook for the ninth year of basic education is titled "Woman in modern societies". It discusses the place of women in such societies but also gives a critical view of the exploitation of women by the media.

242. The third lesson in the Arabic textbook for the third year of secondary education (scientific sections) is titled "Women's concerns as written by women" and deals with freedom, women in the world of work and women's relations with men.

243. These textbooks also encourage girls to choose careers or jobs that deviate from traditional gender roles and that promote ambition and independence among young girls. For example, the story “Mouna’s genie” in the textbook for the second year of basic education features a young girl who fixes a radio on her own and with no assistance.

244. Women are also widely represented in French textbooks. In the textbook for the ninth year of basic education, Marie Curie, inventor and winner of the Nobel Prize, is featured in the text “The discovery of radium”, while a female marathon champion is portrayed in the text “*Institut Curie*”.

245. Module 3 of the textbook for the second year of secondary school is entitled “Women and society”. It addresses the fight against prejudice, using irony and caricature in texts such as “My mother was like that” and “Women stealing work?”, but also depicting women as surgeons or carpenters.

246. The English textbooks feature intelligent women working in various careers, including computer science teachers, math teachers and chefs.

247. Lesson 6 of the second-year textbook entitled “Men and women” and the text included in the textbook for the third year of secondary education both address equality between men and women at work and in respect of their responsibilities.

248. As they transfer knowledge, the new curricula and textbooks also provide a reflection of society; they depict the status and place of women, instilling in students the values of equality and tolerance.

2. Vocational training

249. To ensure that the latest technologies can be mastered and that the country is able to compete, Tunisia has embarked on improving the overall standard of its vocational training system by updating its legislative and regulatory framework, restructuring training establishments and instituting a new pedagogical approach that uses the enterprise as a focal point around which initial training, on-the-job training, apprenticeship and permanent training are organized and arranged.

250. The national vocational training system continues to develop with a view to economically contributing to social and human development. Framed by a national policy, the latter embodies the principles of gender and development.

251. In the reform of the training system, there is indeed no room for discrimination between boys and girls, either in theory or in practice. Institutions are largely co-educational; there are also a number of establishments dedicated exclusively to the education of girls.

Women as human resources and the new legal framework for training

252. Outline Act No. 2008-10 of 11 February 2008 on vocational training (replacing the Outline Act on Vocational Training and Employment) established a new legal and institutional framework for human resources services without distinction on the ground of sex.

253. Since its promulgation in February 2008, this Act, like the act of February 1993, has laid the foundation for a newly enhanced national vocational training system that places great importance on the promotion of both male and female workers and on counselling and training for both sexes.

254. Article 3 of the Act provides that vocational training programmes, both in their substance and organization, are to be based on the principle of equality of opportunity for all persons seeking training, and that such programmes must comply with the laws concerning persons with disabilities.

255. Article 1 of the Act stipulates that vocational training is an element of the national human resources development system and is one of the key drivers of development. As a complement to and in synergy with the education, higher education and employment sectors, vocational training is aimed at providing social, cultural and vocational qualifications, developing workers' vocational skills and allowing companies to improve their productivity and competitiveness. The term "workers" includes both men and women.

256. Article 2 of the Act further states that the training is in particular intended to:

- Meet the economy's need for qualified staff in various occupations
- Promote work as a value
- Develop culture of entrepreneurship and a spirit of initiative and creativity among young people
- Spread a culture of technology in keeping with developments in work and production systems, thus contributing to innovation and modernization
- Prepare for the jobs of the future and new ways of working

257. As an element of the national human resources development system, vocational training is also intended to reinforce students' pride in Tunisia and loyalty towards it, instilling in them a love for the country and an awareness of national identity, and strengthening their openness to human civilization.

Training and the various agencies involved

258. Various agencies continue to work in the area of vocational training.

259. **In the public sector:** the organization of the sector, the evaluation of its performance, the design and implementation of policies to promote training and the coordination among the various public and private training agencies are the responsibility of the Ministry of Vocational Training and Employment.

260. The national training system makes no discriminatory distinction between boys and girls. It comprises more than 1,300 training establishments.

261. The following table shows the distribution of vocational training institutions, by agency.

<i>Sector</i>	<i>Agency</i>	<i>Number of institutions in 2009</i>	
		<i>Number of training establishments</i>	<i>Of which, exclusively for women</i>
Public sector	Ministry of Vocational Training and Employment (ATFP) ¹	135	14
	Ministry of Agriculture, Water Resources and Fisheries (AVFA) ²	39	-
	Ministry of Tourism (ONTT) ³	7	-

Sector	Agency	Number of institutions in 2009	
		Number of training establishments	Of which, exclusively for women
	Ministry of Defence	13	-
	Ministry of Public Health	19	-
Total (public)		213	14
Private sector		756	-
NGO (UNFT) ⁴		200	200

¹ ATFP: Tunisian Agency for Vocational Training.

² AVFA: Agricultural Extension and Training Agency.

³ ONTT: Tunisian National Tourism Office.

⁴ UNFT: Union nationale des femmes tunisiennes (National Union of Tunisian Women).

262. The activities of the NGO constituents of UNFT specifically address women's issues; they target women in their regions of origin with the primary goal of integrating them into the economy by teaching them technical skills.

263. **In the private sector:** training provided through the private sector is 100 per cent co-educational (no distinction is made between training for boys and for girls).

264. The public sector, which has a small percentage of institutions for women only, also offers training for both sexes without distinction.

265. The table below shows the number of people who received vocational training diplomas in the public and private sectors in 2002 and 2009.

Graduates of public sector vocational training

Agency	2002			2009		
	Total	Girls	Girls as percentage of total	Total	Girls	Girls as percentage of total
Ministry of Vocational Training and Employment	12 295	4 315	35	26 768	8 502	32
Ministry of Agriculture, Water Resources and Fisheries	477	78	16	644	128	20
Ministry of Tourism	990	329	33	1 020	199	20
Ministry of Defence	246	0	0	460	60	13
Ministry of Public Health	632	442	70	1 097	785	72
Total	14 640	5 164	35	29 989	9 674	33

266. The following two characteristics are of note:

- The number of girl graduates doubled between 2002 and 2009 (from 4,000 in 2002 to more than 8,500 in 2009). The proportion of public sector vocational training graduates who were girls increased from 31 per cent in 2002 to 33 per cent in 2009.
- More than 87 per cent of the girls who graduated in 2009 received their training through the Tunisian Agency for Vocational Training (ATFP), a unit of the Ministry of Vocational Training and Employment.

3. Characteristics of the vocational training offered through the Tunisian Agency for Vocational Training

267. Young women seeking an alternative to the path of long-term education are more interested in training to gain qualifications that can guarantee employment.

268. The following table shows changes between 2002 and 2009 in the composition of the graduating classes of centres run by ATFP, under the Ministry of Vocational Training and Employment. The data are disaggregated by gender and training sector.

269. ATFP vocational training graduates

Training sector	2002			2009		
	Total	Girls	%	Total	Girls	%
Construction, public works and related jobs	2 097	155	7	3 265	213	7
Textiles and clothing	2 586	2 041	79	4 075	3 692	91
Leather and footwear	512	193	38	684	287	42
General mechanics and metal construction	1 188	99	8	3 177	92	3
Electrical work/electronics	2 841	436	15	8 550	1 417	17
Food processing	93	46	49	127	101	80
Transport, operation and maintenance of vehicles and heavy machinery used in public works and agriculture	1 097	13	1	2 833	170	6
Tourism/hotel and catering industry	279	91	33	1 230	312	26
Crafts and handicrafts	195	64	33	600	371	62
Office work	903	723	80	721	516	72
Miscellaneous industries and services	490	450	85	1 328	1 153	87
Agriculture	14	4	29	178	178	100
Total	12 295	4 315	35	26 768	8 502	32

270. Between 2002 and 2009, a clear increase can be seen in the number of women graduating from ATFP training centres. Their numbers rose from 4,315 in 2002 to 8,502 in 2009.

271. The distribution of trainees by sector indicates high concentrations of girls in the service sector (87 per cent in 2009), textiles and clothing (91 per cent in 2009), office work (72 per cent in 2009) and food processing (80 per cent in 2009, compared with 49 per cent in 2002).

272. Other sectors considered as "male" are starting to attract girls, such as leather and footwear (where girls accounted for 42 per cent of trainees in 2009), electrical work (17 per cent in 2009, compared with 15 per cent in 2002), transport, operation and maintenance of heavy machinery (6 per cent in 2009, compared with 1 per cent in 2002) and construction (7 per cent in 2009).

273. There is thus a wider selection of training courses available, providing more qualifications, and in which girls have the same opportunities as boys. Girls are increasingly turning to new, high-tech specializations.

Centres for young rural women

274. In the ATFP vocational training system, centres for young rural women (of which there are 14) provide training exclusively for girls.

275. These centres were set up to better respond to the specific vocational training needs of young rural women (with little or no education) and to facilitate their social and economic integration.

276. The training provided at the centres facilitates young girls' development and helps them acquire responsible behaviours and attitudes through module-based training in family planning, health and environmental and nutritional education, as well as in the technical fields related to agriculture and handicrafts, making them better qualified and helping them to find work appropriate to their skills.

Employment

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277. Tunisia has acceded to several international labour conventions dedicated to the principle of non-discrimination. They include the following:

- The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified in 1959
- The Equal Remuneration Convention, 1951 (No. 100), ratified in 1968
- The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), ratified in 1970
- The Employment Policy Convention, 1964 (No. 122), ratified in 1966

278. In addition to these international instruments that take precedence over domestic law, in accordance with article 32 of the Constitution, Tunisian legislation establishes the principle of non-discrimination in the world of work, in particular with regard to employment and remuneration.

279. The labour legislation is egalitarian. It guarantees the same social rights to men and women with regard to working hours, paid holidays and equal pay for equal work, as well as specific rights for women such as maternity leave and nursing breaks.

280. The Labour Code expressly establishes the principle of non-discrimination between the two sexes. Article 5 bis (added by Act No. 93-66 of 5 July 1993) prohibits any discrimination between men and women in the application of the principles of the Code (which covers all aspects of work, including recruitment, remuneration, working conditions, vocational training and termination of an employment contract) or of the Code's implementing texts.

281. Article 11 of the Framework Collective Agreement signed on 20 March 1973 stipulates that the agreement applies equally to workers of both sexes. Girls and women have the same access to all jobs as boys and men, without discrimination in professional grading or remuneration. Similar provisions can be found in all the sectoral collective agreements (of which there are currently 51), including those governing sectors that employ a large number of women (the clothing industry, textiles, banking, insurance, trade, etc.).

282. Recruitment and professional grading are based on objective criteria such as level of education, diplomas and work experience.

283. In order to guarantee that the principle of non-discrimination between the sexes is applied in all work-related matters, the Tunisian parliament has established penalties for those who violate laws, regulations or collective agreements guaranteeing this principle.

284. Under article 234 of the Labour Code, a fine of between 24 and 60 dinars is applicable for every worker employed in conditions failing to comply with the law, regulations or collective agreements, with the total amount of the fine not to exceed 5,000 dinars (Labour Code, art. 236). The fine is doubled for subsequent infringements (Labour Code, art. 237).

285. The same penalty is applicable in cases of underpayment of wages or payment of wages less than the required minimum wage as set by law, regulations or collective agreements.

286. On average 57 per cent of beneficiaries of employment assistance programmes and 56 per cent of interns are women. In 2009, women accounted for 62 per cent of the beneficiaries of the Graduate Internship Scheme (SIVP), which is one of the major employment programmes.

287. Likewise, on average 44 per cent of employment vacancies are filled by women, rising from 43.7 per cent in 2008 to 44.4 per cent in 2009.

288. These results confirm the role of employment programmes as an additional tool for the promotion of equal opportunity and social equity.

289. In summary, legislation on egalitarian work practices, the various employment programmes and the different measures taken in support of women are some of the factors contributing to an increase in the labour force participation rate for women. That rate rose from 23 per cent in 2001 to 25.4 per cent in 2008. The rate is currently forecast to reach 29 per cent in 2011 and 31.7 per cent in 2014.

290. Thanks to this policy, there has been a clear increase in the participation of women in the labour market, from 24.8 per cent in 2001 to 27.3 per cent in 2008.

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291. In both the public and private sectors, the right of women to work is guaranteed by national legislation. The legal texts regulating employment explicitly guarantee equality of opportunity and in employment, without discrimination between the sexes.

292. **The public sector:** The general regulations for employees of the State, local authorities and public institutions recognizes the principle of equal access to civil service posts. Article 11 stipulates that “subject to any special provisions dictated by the nature of the duties to be performed that may be taken in this regard, no distinction shall be made between men and women in the application of this law”.

293. The principle of equality is guaranteed with regard to recruitment, career development and remuneration.

294. **The private sector:** The same guarantees apply in the private sector. The Labour Code and the Framework Collective Agreement prohibit discrimination between the sexes, night work and underground work for women, as well as unjustified termination of a woman’s employment contract on account of pregnancy.

295. The law currently also provides for nursing breaks and for paid maternity leave, the duration of which depends on the sector concerned.

296. Act No. 2000-17 of 17 February 2000 repealing certain articles of the Code of Obligations and Contracts eliminated provisions that had become obsolete. They required

the husband's prior approval for his wife to work and gave him the right to cancel at will any work contract she signed with her employer.

297. **The agricultural sector:** Wages for female workers have been aligned with those for male workers in the same category, putting an end to a system that imposed a 15 per cent reduction on remuneration for women performing agricultural work. This was accomplished by rescinding the provisions on the minimum wage in the agricultural sector that were likely to be interpreted in a discriminatory manner, particularly those that specifically referred to remuneration for women performing seasonal agricultural work.

298. In order to guarantee women's full enjoyment of the right to remuneration with no discrimination, the legislation provides for inspections to ensure the effective implementation of the relevant laws, regulations and collective agreements governing labour relations. It also provides for the investigation of violations of the law and, as required, for sanctions. Those who violate the law, regulations or collective agreements on the minimum wage are subject to criminal and administrative penalties.

299. Act No. 2002-32 of 12 March 2002 was adopted to fill a gap in the social security system by providing a specific social security regime, including health-care benefits and old-age, disability and survivors' pensions, for domestic employees — almost all of whom are women — and other categories of workers not previously covered.

300. Act No. 2006-58 of 28 July 2006 and Decree No. 3230-2006 of 12 December 2006 introduced a new measure allowing some women workers to work half-time at two-thirds pay while retaining full rights to retirement and social coverage.

301. With regard to pensions, women have entitlements by virtue of their past work experience (retirement pension) or the system's coverage of them following the death of their spouse (widow's pension). They are granted access to pensions without any discrimination and can receive social benefits and allowances. In fact, 43 per cent of individuals who receive pensions are women, and 28.3 per cent of the amounts distributed as pension benefits go to women.

302. In the public sector (in State-run enterprises and public administration), those rates have reached 44.6 per cent and 30.7 per cent, respectively.

<i>Description</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Retirees	394 251	45 271	439 522
Surviving spouses	4 077	165 802	169 879
Orphans	14 100	99 611	113 711
Total	412 429	310 683	723 112

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303. The regulations on half-time employment with the public administration, local authorities and public administrative establishments were established by Decree No. 85-839 of 17 June 1985.

304. Half-time employment consists of performing a job for half the number of hours required of full-time employees performing the same job every week.

305. Civil servants working half-time have the right to the same leave as civil servants working full-time.

306. The deductions for pension funds and social security benefits withheld from the salaries of civil servants working half-time are calculated on the basis of the remuneration and benefits applicable to a civil servant working full-time at the same grade.

307. The following table shows the number of individuals employed under this system, disaggregated by sex.

<i>Men</i>	<i>Women</i>
18	199

308. Act No. 2006-58 of 28 July 2006 introduced a special regime of half-time employment at two-thirds pay for mothers with one or more children under the age of 16. Children with disabilities are not subject to the age limit.

309. The conditions, procedures, and means of implementation of this regime are established by Decree No. 2006-3230 of 12 December 2006 and Circular No. 43 of 29 December 2006.

310. The duration of this half-time employment benefit is set at three years, and it may be renewed twice.

311. Mothers benefiting from this regime retain full rights to career advancement, promotion, holiday and social coverage.

312. Since this regime was introduced, as many as 2,328 mothers have benefited from half-time work with two-thirds pay, as detailed below:

<i>Year</i>	<i>Number of applications received</i>	<i>Number of applications approved</i>
2007	1 504	1 061
2008	545	388
2009	510	360

313. In 2010, the Directorate-General for the Administration and the Public Service received 1,071 applications, of which 485 were new applications and 586 were applications for renewal. These will be reviewed by a technical committee.

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314. Comparative statistics on the formal and informal sectors are unfortunately not available. However, women working in the informal sector do benefit from social coverage.

315. Nevertheless, an overall view of informal employment in non-agricultural sectors can be obtained by analysing the characteristics of employment in microenterprises (enterprises employing fewer than six employees). Conditions for women at such enterprises are similar to those for men, and are even similar to those in the formal sector. A study conducted in 2007 revealed that women held 20.6 per cent of jobs at microenterprises.

316. The distribution of women employed at microenterprises is as follows: 13.1 per cent are employed in manufacturing, 0.2 per cent in construction and 39.5 per cent and 47.2 per cent, respectively, in the trade and service sectors.

317. Women are mainly represented in the sectors that have traditionally used female labour, such as the textile, clothing, and leather and footwear industries, where they hold 52.7 per cent of the jobs; they represent 37.1 per cent of employees in the services sector,

specifically personal services, and 44.1 per cent and 47.7 per cent, respectively, of employees in communications and other services.

318. Women are not widely represented in the sectors of construction and wood products, metallurgy and metalworking industries (where they account for 1.5 per cent, 1.8 per cent and 0.4 per cent of employees, respectively).

319. This distribution was confirmed by a national survey on overall employment conducted in 2007, which found that 1.4 per cent of employees in construction and public works were women, as were 43.9 per cent in manufacturing (including 73.3 per cent in textiles, clothing, leather and footwear) and 24.4 per cent in services (compared with 23.6 per cent in microenterprises).

320. Nearly 33 per cent of the loans issued by the Tunisian Solidarity Bank are granted to women, 43.3 per cent of whom are involved in small-scale activities, 35.2 per cent in the provision of services, 15.9 per cent in agriculture and 5.6 per cent in the handicraft industry. Of these women, 38 per cent receive microcredits.

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321. While the report does show that the employment rate for illiterate women or women with primary or secondary education is higher than the rate for women with post-secondary education, it should also be recalled that the same report points out that the employment rate for illiterate women has declined. This reflects a drop in the female illiteracy rate and an increase in the employment rate for women with higher education.

322. In follow-up to the Committee's recommendation that Tunisia should "further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women" (see the concluding comments of the Committee on the Elimination of Discrimination against Women following its consideration of the third and fourth periodic reports of Tunisia, 14 June 2002, A/57/38, para. 203), it should be noted that female illiteracy dropped significantly over the reporting period thanks to various specific actions undertaken to eradicate this phenomenon.

323. A National Adult Education Programme (PNEA) was instituted in 2000 to combat illiteracy, with priority given to young people and women in rural areas. Furthermore, the programme has recently expanded to include illiterate female workers in enterprises and public institutions, and has provided more vocational training, especially for girls.

324. Consequently, the proportion of female beneficiaries of this programme has risen considerably. In 2006/07, 79.6 per cent of students in the programme were women. This helped to reduce the female illiteracy rate from 36 per cent in 1999 to 28.7 per cent in 2006.

325. The above shows, as did a new employment study conducted in 2007 on the employment rate for women as a function of their level of education, that the higher the level of education, the greater the increase in the employment rate. In 2007 these rates were as follows:

Employment rate for women according to their level of education in 2007

	<i>2007</i>
Illiterate	12.6
Primary	26.0
Secondary	27.7
Post-secondary	56.3

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326. In its development policy, Tunisia has paid particular attention to the health sector and to the general improvement of the population's health. But it has made special efforts to promote the health policy for women, especially women of childbearing age.

327. This policy, which originally focused on family planning, evolved into a mother-and-child health perspective that underpins a reproductive health approach centred on preventive action and the promotion and care of women's health in general, and of mothers' health in particular.

328. In that context, parallel to the improvements made to specialized health care as regards infrastructure, high-tech equipment and specialized medical and paramedical staff, action has been taken to expand reproductive health services in basic health-care centres and to set up both a national perinatal health programme and a maternal mortality monitoring system.

329. All reproductive health indicators show that considerable progress has been made thanks to this approach. We may cite the following.

	2007	2008	2009	Target for 2011
Maternal mortality per 100,000 births	41.5	39.8	35.7	Less than 35
Assisted delivery rate (per cent)	94.7	95.4	96	100
Infant mortality rate (per mil.)	18.7	18.4	18	15
Proportion of pregnant women receiving at least 4 antenatal check-ups (per cent)	70.1	70.3	70.4	75
Neonatal mortality rate	14.0	13.8	13.5	10.0
Doctor/population ratio	968	865	850	850
Life expectancy at birth (years):				
• Men	72.3	72.4	72.5	-
• Women	76.2	76.3	76.4	-
• Men and women	74.2	74.3	74.4	76.5

330. In Tunisia, 95 per cent of the population lived within 5 km of a health centre in 2009, compared with 90 per cent in 2006. This progress was achieved by improving primary care services, in other words those dispensed by district hospitals and above all by basic health-care centres, which provide curative and preventive services and health education.

331. The density of such centres in each governorate depends on whether or not it is rural and whether it is situated on the coast or inland. The more urban the governorate, the higher the density of the basic health-centre network.

332. The expansion of the basic health-care centre network in the largely rural governorates aims to bring health services closer to people living in areas where the population is sparse and spread out.

Distribution of basic health centres, by governorate

<i>Governorate</i>	<i>Number of centres</i>	<i>Number of inhabitants per centre</i>	<i>Rank</i>
<i>Coastal governorates</i>			
Tunis	49	20 265	24
Ariana	25	18 924	23
Ben Arous	49	11 340	22
Manouba	40	8 967	21
Sousse	97	6 086	20
Bizerte	90	5 987	19
Nabeul	125	5 868	18
Sfax	156	5 800	17
Monastir	101	4 900	16
Gabès	86	4 122	14
Medenine	112	3 995	13
Mahdia	113	3 450	8
<i>Inland governorates</i>			
Kairouan	130	4 260	15
Jendouba	114	3 688	12
Sidi Bouzid	111	3 666	11
Gafsa	92	3 653	10
Kasserine	118	3 601	9
Zaghouan	49	3 410	7
Béja	94	3 237	6
Tozeur	32	3 165	5
Le Kef	94	2 730	4
Siliana	88	2 650	3
Kebili	57	2 593	2
Tataouine	62	2 334	1

333. The promotion of women's health in general and reproductive health in particular has always been a public health priority and has figured in both national development plans and presidential programmes.

334. The 2007–2011 five-year plan sets the following objectives:

- To lower maternal mortality to less than 35 deaths per 100,000 live births
- To expand the coverage of perinatal services to ensure that:
 - Over 90 per cent of pregnant women receive at least one antenatal check-up
 - Over 80 per cent of pregnant women receive at least four antenatal check-ups
 - Post-natal care coverage is over 70 per cent
 - There is assisted delivery for 100 per cent of births

335. The midpoint assessment of the progress made towards achieving these objectives, carried out on the basis of the Multiple Indicator Cluster Surveys (MICS3) conducted in 2006, showed that:

- The proportion of pregnant women receiving at least one antenatal check-up was already above target, at 96 per cent. Coverage varied from 99.6 per cent in the governorate of Nabeul to 84 per cent in the governorate of Kasserine.
- The proportion of pregnant women receiving at least four antenatal check-ups was 67.5 per cent, compared with 28.30 per cent in 1989.
- Post-natal care coverage had expanded to 51.3 per cent from 39.3 per cent in 1989.
- The proportion of births with assisted delivery had risen by 23 percentage points, from 71.3 per cent in 1989 to 94.5 per cent.

336. An international expert commissioned to study maternal mortality in Tunisia estimated the mortality rate to be 36.5 deaths per 100,000 live births in 2006. That figure was very close to the findings of a survey of 181 countries published in the British journal *The Lancet*, which had concluded that the rate in Tunisia was 36 deaths per 100,000 live births.

337. Seven regions have been classified as priority areas for reproductive health programmes. They continue to benefit from targeted action to improve maternal and infant health indicators and lower maternal and infant mortality rates.

338. Specifically, the following action has been taken:

- A technical committee presided by the Minister of Public Health has been set up to study the situation and to adopt the initiatives and proposals required to reduce maternal and infant mortality.
- Together with the United Nations Children's Fund (UNICEF), a plan has been drawn up to educate doctors and midwives providing primary care about maternal mortality risk factors.
- Efforts have been made to prevent anaemia among pregnant and nursing women most at risk by ensuring access to medicines and testing.
- Maternity units and basic health-care centres of various levels have been created, upgraded or modernized, especially in the Kasserine, Kairouan, Bizerte, Le Kef, Sousse and Tataouine regions.
- Health facilities have been provided with improved equipment and means (such as ultrasound machines and ambulances) for mother and child health services in some regions, and a plan to bring all maternity units up to the same standard has been implemented.
- A plan has been put in place to monitor and measure progress towards achieving the established goals.
- More awareness-raising and educational activities have been organized to promote antenatal and post-natal check-ups and assisted deliveries, especially among women in the priority areas. Considerable preparatory work has been done in this regard for the reassignment and retraining of health promoters and mobile units.
- Major progress was made in 2009 in terms of expanding coverage of maternity services to ensure risk-free pregnancies and deliveries through the creation of a mobile education unit and the establishment of new maternity centres, especially in the governorates of Kairouan, Tataouine and Gafsa.

- It should, moreover, be noted that the various diagnostic and medical services are provided free of charge. Access to necessary medicines is also arranged at most public health centres, especially those run by the National Office for the Family and the Population (ONFP) and primary-care facilities.

339. Since the International Conference on Population and Development, held in Cairo in 1994, family planning and reproductive health have been addressed using an approach that targets individuals of both sexes as well as couples, and that places priority on action and programmes to improve the quality of life of women throughout their life cycle so that they can live long, healthy lives.

340. Consequently, in addition to family planning, several other reproductive health services are provided, including screening for and treatment of sexually transmitted infections (STIs), cervical and breast cancer and infertility; perinatal services; menopause management; and the prevention of violence in both the public and private realms. About 60.2 per cent of women of childbearing age use contraceptives.

341. Special attention has been paid in the past few years to the sexual and reproductive health of adolescents and young people and to the health of women victims of violence. Strategies and activities for young people of both sexes have been developed, and specific information, education and communication programmes and sexual and reproductive health services have been designed and implemented in partnership with youth organizations working in different fields, and with the participation of the various sectors concerned.

342. Under a Tunisian-Spanish cooperation project to promote gender equity and prevent violence against women, various research, training, awareness-raising and advocacy activities have been carried out with stakeholders: medical and paramedical workers, pharmaceutical representatives, psychologists, educators, local authorities, religious leaders, etc.

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343. The Tunisian Government responded quickly to the threat of HIV/AIDS after the first cases appeared in the mid-1980s. A national programme to combat AIDS was launched in 1987 and has been steadily expanded. As a result, considerable progress has been made both in awareness-raising and prevention and in the provision of psychosocial and medical services to persons living with HIV and those at high risk of infection, regardless of their gender, age, socio-economic background or any other distinction.

344. Parallel to the awareness-raising and educational activities carried out in different sectors, huge efforts have been devoted to providing treatment. These culminated in 2001 when triple therapy was made available free of charge, including for women in high-risk groups, such as migrant women and prostitutes.

345. An early and multidisciplinary response has enabled Tunisia to contain the spread of HIV/AIDS to the point where the infection rate is stable and overall infection levels are low, even among at-risk groups.

346. The number of new cases each year has in fact not exceeded 70 for over a decade.

347. The prevalence of HIV in the general population is estimated to be 1 infected person per 10,000 inhabitants, with more men being infected than women (60 per cent of cases are men and 40 per cent are women).

348. Although the situation was not alarming, considerable efforts were made to enlist the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM). A cooperation agreement was signed between Tunisia and the Global Fund for the launch of a

new programme entitled “Support for partnership and strengthening of the response to the threat of the spread of HIV/AIDS in Tunisia”.

349. This programme, which is scheduled to run from 2007 to 2012, forms part of the broader 2006–2010 strategic plan for combating HIV/AIDS and STIs. It is primarily oriented towards preventive action: it provides for screening, treatment and psychosocial care and is also aimed at preventing drug addiction and discouraging unprotected sex.

350. The programme also aims to support efforts to combat and control the epidemic and reduce the incidence, spread and impact of HIV/AIDS by improving the quality of life of persons living with HIV and their families, increasing access to comprehensive and suitable care and implementing a national monitoring and follow-up system for STIs and HIV/AIDS.

351. The specific objectives of the programme are to:

- Improve access to appropriate preventive services for groups with high-risk behaviour
- Boost the capacity of NGOs to promote prevention among groups with high-risk behaviour
- Reduce risky behaviour among vulnerable groups that exposes them to STIs and HIV/AIDS
- Increase the use by vulnerable groups of care services to treat STIs
- Improve access to quality care
- Improve the quality of life of persons living with HIV and their families through the provision of optimal psychosocial care
- Reduce the mother-to-child HIV transmission rate
- Improve epidemiological surveillance of STIs and HIV/AIDS by installing a second-generation surveillance system
- Develop national capacity for HIV/AIDS monitoring and evaluation
- Identify the psychosocial determinants of HIV transmission through operational research

Positive results of phase I of the Global Fund’s programme (2007–2009)

352. The Global Fund’s programme, with its participatory, multidisciplinary approach that involves all government and non-governmental partners, targets at-risk young people in and outside the school system, persons living with HIV and their families, and groups with high-risk behaviour (men who have sex with men, detainees, intravenous drug users, sex workers, women of childbearing age, recruits and people who travel frequently).

353. Awareness-raising, psychosocial care and advocacy activities have been planned using gender- and human-rights-based approaches. These target persons at high risk and the most vulnerable groups.

354. During the phase I of the Global Fund’s programme (September 2007–August 2009):

- Educational campaigns and activities were organized for both girls and boys in the country’s 24 governorates to increase knowledge of STIs and HIV/AIDS and promote a prevention-based approach to sexual and reproductive health

- Training sessions were held for different service providers in the public and private sectors — doctors, midwives, psychologists and health promoters — to improve the quality of care and combat discrimination against persons living with HIV
- Targeted action was taken to promote the use of condoms, which were distributed free of charge by public health facilities and sold at symbolic prices in pharmacies
- The sale of condoms in places other than pharmacies was authorized in January 2009
- A plan to introduce female condoms, in particular for the benefit of female sex workers, is now nearing completion
- Nineteen centres providing voluntary, anonymous and free HIV/AIDS testing and advisory services were set up in 2008 and 2009

355. Thanks to its comprehensive approach, the Global Fund's programme achieved the following results:

- The proportion of adults and children of both sexes living with HIV receiving treatment after 12 months of triple therapy reached 93 per cent.
- Appropriate psychosocial and medical care was given to 716 persons living with HIV and their families.
- Condom use increased, with 13,562,110 condoms distributed.
- Condom use among young people (those aged between 15 and 24 years) increased by 28 per cent.
- Awareness-raising sessions reached 41,373 persons from vulnerable socio-economic groups, who thus received information on the prevention of sexually transmitted diseases and HIV/AIDS and the corresponding services available to them.
- The proportion of young people of both sexes having clear information and knowledge about methods for preventing HIV/AIDS reached 40.3 per cent.
- Anonymous, free HIV/AIDS tests were administered to 8,698 men and women.
- Awareness-raising activities for both sexes reached 206,474 girls and boys, either in school or outside of any institutional framework.
- The national strategy for the prevention of mother-to-child transmission (PMTCT) of HIV addressed the specific problems of pregnant women at high of risk of contracting HIV. The strategy includes PMTCT training for the relevant health workers (midwives, paediatricians, gynaecologists, primary-care physicians, etc.); the creation of the necessary data collection tools; and the preparation of educational and training materials. Rapid HIV tests are available at maternity clinics and in certain mother-and-child welfare units at basic health-care centres.
- Training sessions and awareness and advocacy days were organized for local authorities and religious leaders to involve them more in HIV/AIDS prevention efforts, as well as in the fight against the stigmatization of persons living with HIV and the promotion of the universal human rights values.

HIV/AIDS prevention among sex workers

356. Lowering HIV and STI transmission risks among high-risk groups and improving prevention among the most vulnerable groups are priorities of the Global Fund's programme, and particular attention has therefore been paid to sex workers. A survey to

determine seroprevalence among women engaged in clandestine prostitution was conducted in the framework of a government-NGO partnership between the Basic Health Care Department (DSSB) and the Association tunisienne de prevention de la toxicomanie (Tunisian Association for the Prevention of Drug Addiction) (ATUPRET).

357. The survey focused on prevalence of HIV/AIDS and STIs, knowledge of such diseases, their modes of transmission and means of prevention, sexual practices, condom use, and prior episodes of STIs.

358. The survey found that seroprevalence among sex workers was 0.43 per cent.

359. Another behavioural study was conducted by ATUPRET of women engaged in clandestine prostitution in the governorates of Sfax and Sousse and in Tunis district. It concentrated on the individual and environmental factors that exposed some women more than others to the risk of being infected with HIV/AIDS and on the agencies that this population could turn to for assistance, with a view to analysing current and potential synergies for reducing the primary and secondary causes of HIV/AIDS transmission.

360. These studies, which were undertaken by the Basic Health Care Department (DSSB) with NGOs (ATUPRET, Association tunisienne de lutte contre les maladies sexuellement transmissibles et le sida (the Tunisian Association to Combat Sexually Transmitted Diseases and AIDS) (ATLMSTSIDA) and Association tunisienne d'information et d'orientation sur le sida (Tunisian Association for Information and Guidance on AIDS) (ATIOS)), for the first time addressed the situation of hidden population groups. They made it possible to arrange awareness-raising activities and provide care for sex workers so as to reduce the risks of STI and HIV transmission and improve access to preventive and curative care.

361. Nearly all female sex workers benefited from awareness-raising activities and information sessions about HIV/AIDS prevention during the first stage of the programme.

362. This was achieved as a result of a participatory approach; peer educators were recruited from the target population and trained, thus making it possible to reach female sex workers in the previously inaccessible world of clandestine prostitution.

363. Women in prisons and detention centres in the different regions of Tunisia were also informed about HIV/AIDS by ATIOS and the National Office for the Family and the Population (ONFP).

Family relations

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364. The inheritance status of women has improved considerably mainly thanks to enlightened doctrine on the subject. This desire to improve their situation has now run into another problem, however, which is complex and will be difficult to resolve: inheritance law is based entirely on the Koran, and the Koran's provisions on the subject are very clear, which prevents any interpretation or alteration of its content.

365. Nevertheless, considerable progress has been made towards achieving gender equality in inheritance matters, through the implementation of the following legislative mechanisms:

- The "*retour*" (return arrangement), which allows a daughter to inherit the full estate if there is no male heir of the same rank.

- The compulsory legacy regime, whereby the children of a predeceased son or daughter are entitled to that deceased son's or daughter's share in the estate of the grandparent, up to a third of the total estate. Orphaned granddaughters thus benefit from this legislative provision without any discrimination vis-à-vis the deceased parents and grandparents. The third mechanism concerns the community property regime (instituted by Act No. 98-91 of 9 November 1998), which promotes the joint ownership of property by husband and wife and thus considerably improves the material situation of widows.
- The community property regime instituted under Act No. 98-91 of 9 November 1998 strengthened the rights of married women with regard to the acquisition of property. This regime, while optional and completely voluntary, aims to "ensure that the spouses have joint ownership of any property or group of properties which are specifically intended for the family's use" (art. 1) and that this is done in keeping with the provisions set forth in new article 23 of the Personal Status Code, on spousal relations based on joint responsibility and partnership.
- Gifts between ascendants and descendants and between spouses are exempt from the gift tax. This mechanism was instituted under Act No. 2006-69 of 28 October 2006 and aims to encourage legacies between spouses and ascendants and descendants while they are still alive, to circumvent the inheritance provisions established in the law.

366. Among the measures taken to guarantee equality between men and women in other aspects of personal status, namely, dowries, marriage, divorce, guardianship and child custody, the following are particularly noteworthy:

1. In the case of **dowries**, article 3 of the Personal Status Code states that "marriage shall be constituted only with the consent of both spouses. The presence of two reputable witnesses and the payment of a dowry for the bride are also conditions for the validity of the marriage". The dowry in this context has been reduced to a symbolic sum of one dinar (approximately 0.7 United States dollars), and is therefore not discriminatory.

2. **Marriages** are strictly regulated by the Personal Status Code, which states that "marriage shall be constituted only with the consent of both spouses" (art. 3). Any intervention by the father or guardian in the choice of spouse or during the conclusion of the marriage contract is null and void, as there may be no substitute for the freely and personally stated wish to marry, except in cases provided for by law (art. 9).

3. The **marriage age** is set at 18 years for both sexes, as established in the Personal Status Code: "neither of the future spouses may contract marriage before the age of 18 years. Below this age marriage may not be contracted unless there is special authorization granted by a judge, who shall only do so for serious reasons and in the clear best interests of the two future spouses" (art. 5).

4. **Divorce** is acknowledged as a right of both spouses and may be granted only by court order: "divorce may only take place before a court" (art. 30). Neither divorce by repudiation nor unilateral divorce by one of the spouses is possible.

Article 31 specifies that "the court shall declare a divorce: when mutually consented to by the spouses, petitioned for by one of the spouses on account of harm suffered, or petitioned for by the husband or the wife".

5. As to **guardianship**, a woman has certain prerogatives regarding the upbringing of her children and related travel and financial arrangements that involve them. Article 67 of the Personal Status Code states that "if a marriage is dissolved by death, custody shall be granted to the surviving parent. If a marriage is dissolved during the lifetime of the spouses, custody shall be granted to either of them or to a third party. The

decision shall be at the discretion of the judge, taking into account the interests of the child. Should custody be granted to the mother, she shall enjoy all the prerogatives of guardianship with respect to the travel and education of the child and management of his or her financial accounts”.

6. With respect to **custody**, article 57 of the Personal Status Code provides that “custody of children during marriage is held by both the father and the mother”. In order to protect divorced women who have custody, the Personal Status Code recognizes the right of mothers with custody over the children to remain in occupation of the home when the father owns the residence and is required to house her with the children: “a woman having custody of the child shall have the right to remain in occupation when the father, owner of the residence, is obliged to house her with the child. This right expires when its underlying cause ceases to exist. When the father is required to provide housing for the woman who has child custody and the child in a property that he rents, he is obliged to continue to pay the rent until the cause of the obligation ceases to exist ... court orders regarding the housing of the woman who has child custody may be revised when there are changes in the circumstances or situation; the court may rule on a request to modify an order, in accordance with established procedures for such summary action; it shall state the motives, taking into consideration the interests of the child” (art. 56).

367. To protect mothers who have custody of their children, article 56 (bis) of Act No. 2008-20 of 4 March 2008 stipulates that “whoever knowingly cedes, subject to payment or free of charge, residential premises that a father is obliged to use to provide housing for his child and the woman who has custody of the child, or mortgages such premises without mentioning in the assignment or mortgage title the custody holder’s and child’s right to remain in occupation, with the intention of denying them that right, shall be punished with imprisonment of 3 months to 1 year and a fine of 100 to 1,000 dinars.

368. A father will receive the penalty mentioned in the above paragraph if he prevents the woman custody holder and his child from occupying premises in which the court has ruled they should be accommodated, either by conspiring with the lessor to arrange the termination of the lease, or by refusing to pay outstanding rent, or by voluntarily falling behind by more than one month in the payment of the alimony he is ordered to pay for housing”.

Amendment to article 20, paragraph 1, of the Convention

Reply to paragraph 32 of the list of issues

369. The Tunisian Government supports general recommendation No. 22 on amending article 20, paragraph 1, of the Convention, adopted by the Committee at its fourteenth session, with regard to the meeting time of the Committee. The proposed amendment is a response to the demands of the workload, which is expanding as an increasing number of countries are becoming party to the Convention and submitting reports for consideration, and also reflects the Committee’s desire to avoid the accumulation of an excessive backlog of State party reports pending its consideration. Tunisia therefore has no objection to favourably considering the amendment of article 20 of the Convention in respect of the meeting time of the Committee, so as to allow it to meet annually for such duration as is necessary for the effective performance of its functions under the Convention, with no specific restriction except for that which the General Assembly decides.