



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues prior to submission of the combined second and third periodic reports of Tunisia\*

##### A. Purpose and general obligations (arts. 1-4)

1. Please inform the Committee on the tangible impact of the Special Parliamentary Committee on Persons with Disabilities and other Vulnerable Groups established to monitor the implementation of government programmes and procedures related to the protection of rights of persons with disabilities.
2. Please inform the Committee on steps taken to harmonize the Law No. 83 (2005) relating to the promotion and protection of the rights of persons with disabilities with the Convention to make it compliant with a human rights-based approach to disability.
3. Please inform the Committee about the extent of participation of persons with disabilities through their representative organizations, including those representing women, girls and boys with disabilities, at the governorate and national levels, in the light of the Tunisian National Charter for the Rights of Persons with Disabilities.
4. Please provide further information about any measures taken by the State party to disseminate and implement the previous concluding observations of the Committee (CRPD/C/TUN/CO/1).
5. Please provide detailed information about whether Order No. 3086 of 29 November 2005 has been revised, and specifically on proof required to obtain a disability card. In particular, please provide information on the measures taken to prevent the exclusion of persons with psychosocial disabilities (“mental illness”) or intellectual disabilities, or others who are unable to obtain a disability card, either owing to disability or by association with a disability.
6. Please inform the Committee about the mandate and the achievements of the Special Parliamentary Commission for Persons with Disabilities and other Vulnerable Groups regarding legislation, policies and measures, in particular those aimed at eliminating discrimination against persons with disabilities.
7. Please provide information, disaggregated by sex, on the number of disability-based discrimination complaints received from persons with disabilities. Please inform the Committee on the legal remedies and sanctions on discrimination on the basis of disability and the measures being envisaged to uphold the prohibition of disability-based discrimination, specifically in the following fields: housing, health, and access to culture and sport.

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\* Adopted by the Committee at its eighteenth session (14 August-1 September 2017).



## **B. Specific rights (arts. 5-30)**

### **Equality and non-discrimination (art. 5)**

8. Please provide information as to whether the denial of reasonable accommodation is explicitly recognized as a form disability-based discrimination and, if so, whether it is penalized by law.

9. Please inform the Committee about whether the State party has taken measures to train members of the legal profession, particularly the judiciary, persons with disabilities themselves and civil servants, on non-discrimination and the concept of reasonable accommodation.

### **Women with disabilities (art. 6)**

10. Please inform the Committee on measures taken to combat discrimination, including intersectional discrimination, and, in particular, violence against women and girls with disabilities. Furthermore, please provide information on measures taken to promote and disseminate the general comment No. 3 (2016) on women and girls with disabilities.

11. Please provide detailed statistical data on the following:

(a) The number of women and girls who currently hold disability cards and benefit from social protection measures;

(b) The number of girls with disabilities enrolled in inclusive education, integrated education and segregated education;

(c) Women with disabilities in employment.

### **Children with disabilities (art. 7)**

12. Taking into account the result of the Multiple Indicator Cluster Survey (2011-2012), which showed that 93 per cent of children aged between 2 and 14 years were subjected to violence for discipline purposes, please provide updated information as follows:

(a) Any policy measures taken at the national and governorate levels to eradicate any form of violence against children with disabilities;

(b) The number of children with disabilities who are excluded from schools, per type of impairment (visually-impaired, blind and deaf, psychosocial or physical).

### **Awareness-raising (art. 8)**

13. Please provide information on whether the State party has developed any national policies and action plans for awareness-raising that are in conformity with the principles of the Convention for all public officials involved in the promotion, protection or implementation of the right of persons with disabilities, including officials at the governorate level dealing with persons with disabilities.

14. Please inform the Committee about measure taken to ensure the availability of the Convention in accessible formats.

### **Accessibility (art. 9)**

15. Please provide detailed information on budget allocation and monitoring; the compliance and sanction mechanisms in place at the national and governorate levels to ensure accessibility relating to physical environment, transportation, information and communication technology; and other facilities open or provided to the public since the previous concluding observations.

16. Please inform the Committee on training provided to information and communications technology architects, engineers and programmers and other professions regarding implementation of article 9 of the Convention, including its general comment No. 2 (2014) on accessibility. Furthermore, please provide information on measures taken to promote and disseminate general comment No. 2.

**Right to life (art. 10)**

17. Please give detailed information of the *régime juridique* (legal system) regulating the right to life in relation to assisted suicide.

**Situations of risk and humanitarian emergencies (art. 11)**

18. Please provide information about whether any legislative or policy measures have been adopted to protect persons with disabilities in situations of risk and emergencies.

**Equal recognition before the law (art. 12)**

19. Please inform the Committee about whether any legislative and policy measures have been taken to replace substituted decision-making by supported decision-making, in particular for persons with psychosocial or intellectual disabilities, particularly with regard to financial transactions, in the light with its general comment No. 1 (2014) on equal recognition before the law.

**Access to justice (art. 13)**

20. Please provide information on any legislative or other measures taken to provide procedural accommodation and gender and age appropriate accommodation for persons with disabilities in judicial proceedings to ensure their effective participation in the justice system.

**Liberty and security of the person (art. 14)**

21. Please inform the Committee of any legislative amendments to repeal provisions that allow for the deprivation of liberty on the basis of impairment, including on the basis of psychosocial or intellectual disability. Please provide detailed information, including statistical data, on how many cases of persons with disabilities who are deprived of their liberty in mental health institutions and similar institutionalized settings have been reviewed since the previous concluding observations.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

22. Please provide information on the preventive mechanisms in place to protect persons with disabilities from being subjected to torture, cruel, inhuman and degrading punishment, in particular after the adoption of the National Charter for the Rights of Persons with Disabilities.

**Protecting the integrity of the person (art. 17)**

23. Please inform the Committee about any legislative measures adopted to abolish surgery and treatment without the full and informed consent of the concerned person.

**Living independently and being included in the community (art. 19)**

24. Please provide detailed information on:

- (a) Budgetary allocation for the provision of personal assistance services to persons with disabilities;
- (b) The number of persons with disabilities provided with personal assistance services;
- (c) Measures taken to ensure accessibility of community services for the general population.

25. Please provide the Committee with specific information on the outcome of the implementation of chapter 11 of Law No. 83 (2005), in particular with regard to the provision of sign-language interpretation in courtrooms, health-care facilities and community service centres in particular in rural areas.

**Personal mobility (art. 20)**

26. Please provide the Committee with information on measures adopted to ensure the implementation of Order No. 1477 (2006) with regard to accessibility measures for persons with disabilities. Please inform the Committee about whether the measures include assessment, auditing and sanctions.

**Freedom of expression and opinion, and access to information (art. 21)**

27. Please provide information on the availability of public information and mass media for persons with disabilities in accessible formats, including sign language and augmentative and alternative means and modes of communication. In particular, please inform the Committee about the legal framework related to that aspect.

**Education (art. 24)**

28. Please provide information on measures taken to promote and disseminate general comment No. 4 (2016) on the right to inclusive education.

29. Please provide information on:

(a) Data, disaggregated by area of residence (rural or urban) and by sex, on the percentage of persons with disabilities with access to inclusive mainstream education at the primary, secondary and tertiary levels, including lifelong learning, and information on the number and percentage of educational personnel, including teachers and administrators, who have been trained in inclusive education;

(b) Financial and human resources allocated to measures aimed at implementing the national programmes and policies of inclusive education for children with disabilities.

**Work and employment (art. 27)**

30. Please provide information on measures in place to reduce the number of sheltered workshops and enhance the employability prospects of persons with disabilities in the open labour market.

31. Please provide information on policy measures aimed at increasing the employment rate of persons with disabilities in the public and private sectors at the national and governorate levels, with regard to Law No. 30 (2015).

32. Please provide the Committee with statistics on the number of unemployed men and women with disabilities compared with persons without disabilities. Please state whether there are any plans to develop employment strategies for persons with disabilities, in close consultation with organizations of persons with disabilities.

**Adequate standard of living and social protection (art. 28)**

33. Please inform the Committee on any policy measures at the governorate level aimed at implementing and monitoring the financial support of indigent persons with disabilities, in particular with regard to Order No. 3088 (2005) and its amendment in 2017.

**Participation in political and public life (art. 29)**

34. Please provide information on measures taken to promote the effective participation of persons with disabilities through their representative organizations in political and public life, including standing for local and general elections and publicly expressing their political opinion, in particular persons who are under guardianship or trusteeship.

**Participation in cultural life, recreation, leisure and sport (art. 30)**

35. Please inform the Committee about measures in place to foster the inclusion of persons with disabilities into cultural life, recreation, leisure and sport, including access to public libraries and national monuments.

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**C. Specific obligations (arts. 31-33)****Statistics and data collection (art. 31)**

36. Please provide updated information in relation to the national database, in particular the methodology of the dissemination of data disaggregated by sex, age and type of disability, and also provide information on whether the Washington Group Short Set of Questions on Disability has been included in national censuses and household surveys.

**International cooperation (art. 32)**

37. Please provide updated information on memorandums of understanding, bilateral or multilateral agreements signed and implemented between the State party and other State parties or international or regional organizations aiming at promoting inclusive development, in particular, please specify the extent to which any such agreements directly benefit and involve persons with disabilities and their representative organizations. Please provide information on measures taken to ensure that persons with disabilities are involved meaningfully and participate in the implementation of the 2030 Agenda for Sustainable Development and related Sustainable Development Goals.

**National implementation and monitoring (art. 33)**

38. Please provide detailed information on the appointment of focal points for matters relating to the implementation of the Convention.

39. Please provide detailed information on any measure taken and the time frame to replace the Higher Council for the Social Advancement and Protection of Persons with Disabilities, dismissed in 2011, with a national independent mechanism for monitoring the Convention. Include information on whether measures to ensure that persons with disabilities and their representative organizations can fully participate in the monitoring of the implementation of the Convention.

40. Please inform the Committee about any measures taken by the Higher Committee for Human Rights and Fundamental Freedom to enhance the following aspects:

(a) The representation of persons with disabilities and their representative organizations;

(b) Its impartiality and independence in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).