

# Tunisia

(27<sup>th</sup> session)

171. The Committee considered the combined third and fourth periodic report of Tunisia (CEDAW/C/TUN/3-4) at its 567th and 568th meetings, on 14 June 2002 (see CEDAW/C/SR.567 and 568).

## *Introduction by the State party*

172. In introducing the report, the representative of Tunisia informed the Committee that, in the early days of the twentieth century, a reform movement advocating freedom for women had existed in Tunisia. Since the Personal Status Code of 1956 had eliminated polygamy, regulated divorce and defined a minimum legal age for marriage; and since the Tunisian Constitution of 1959 had enshrined the principle of equal rights between men and women in all fields, there had been a number of accomplishments in the country, including the Change of November 1987, which had consolidated women's status within the family and society and had enhanced women's role in the development process. Such gains were further reinforced following the major decisions announced on 13 August 1992 introducing new concepts, such as cooperation, complementarity, partnership and mutual respect.

173. The Government's policy was grounded on the principle of effective equality between men and women within the family and society and women's rights were an integral part of the overall system of human rights, which had become one of the priorities of political action in Tunisia since the Change. She also noted that, in response to the Committee's recommendations following the discussion of Tunisia's two reports in 1995, and in response to the recommendations contained in the 1995 Beijing Platform for Action, Tunisia had made various decisions in terms of institutional mechanisms and activity design and planning. Among the institutional mechanisms which had been established were: a committee on equal opportunity to monitor compliance with legislation; a committee on the image of women in the media within the National Council for Women and the Family; and a national committee for the promotion of rural women. Since 1995, Tunisia had also developed its legislative system, including the Personal Status Code, the Nationality Code, the Electoral Code and the Labour Code, in line with development needs.

174. The representative reviewed a number of indicators which indicated an accelerating pace of progress in Tunisia in giving concrete substance to equal opportunity between men and women and in integrating the principle of equal opportunity in all fields — education, vocational training, effective involvement in development activities and access to decision-making positions.

175. No section of society was excluded from Tunisia's comprehensive development project, with appropriate attention being given to ensuring the integration of rural women within the economic and social cycle through a national strategy for the promotion of rural women, which was formulated in full partnership with civil society organizations devoted to development issues. The representative underscored the fact that such organizations were now playing a major role in formulating programmes and strategies and had thus become partners in the dynamics of development.

176. The representative stated that Tunisia's determination to translate the values of equality between men and women into reality was dependent upon the dissemination of a whole body of culture aimed at changing mindsets and behaviours by promoting the values of solidarity and tolerance, civic behaviour, respect for others and dialogue within the family, thus contributing to the eradication of stereotypes. Great importance was attached by the Government to all factors that could impede the incorporation of such values, and priority was given to the issue of violence, both verbal and physical, with legislative and institutional steps being introduced in this context.

177. In order for progress in the promotion of women's rights to continue in Tunisia, there was a need to develop a comprehensive network of mechanisms to monitor the evolution of the status of women in the country. They would include a national programme aimed at enhancing the national statistical system, the adoption of gender classification in all sectors, and the establishment of an observatory within the Centre for Research, Documentation and Information on Women to collect comparative data on the status of men and women in all fields.

178. In concluding, the representative affirmed that the promotion of women's rights in the country had been included in the President's Programme for the Future. She stated that, thanks to its political determination and the mobilization of modern technologies, Tunisia was resolved to make considerable headway in striking an equitable and comprehensive balance among the various components of society.

#### *Concluding comments of the Committee*

##### *Introduction*

179. The Committee expresses its appreciation to the State party for submitting its combined third and fourth periodic report, which is in accordance with the Committee's guidelines for the preparation of periodic reports. It commends the State party for the extensive written replies to the issues raised by the pre-session working group and the State party's oral presentation, which provided additional information on the implementation of the Convention in Tunisia.

180. The Committee commends the State party for its high-level delegation, headed by the Minister for Women and Family Affairs. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

181. The Committee notes that governmental action, in particular the Ninth National Development Plan, is placed within the context of the implementation of the Beijing Platform for Action.

182. The Committee notes that reservations have been made by the State party to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d), (f), (g) and (h).

##### *Positive aspects*

183. The Committee commends the State party for its political will and commitment to implementing the Convention and to achieving equality between women and men, as reflected in a range of laws, institutions, policies, plans and programmes to address discrimination against women in Tunisia.

184. The Committee commends the State party on the early reforms of its Personal Status Code, which abolished polygamy and granted the right to divorce to both spouses, and its reform of the inheritance law. The Committee welcomes the continuing legislative reforms by the State party. It welcomes the amendments to the Personal Status Code, which provide women with the capacity to institute legal proceedings in their own name, affirm the principle of equality and partnership between spouses, provide that both parties should cooperate in managing family affairs, prevent manipulation of divorce proceedings by the husband, allow spouses to agree to a joint property regime and grant women the right to give their family name to a child born of an unknown father and the opportunity for gene-testing to prove parenthood. The Committee also welcomes the reform of the Penal Code, which imposes heavy penalties for the killing of a woman for adultery.

185. The Committee commends the reforms to the nationality law introduced by the State party in working towards harmonizing the law with article 9 of the Convention.

186. The Committee commends the State party for its progressive development of the national machinery and the reconstitution of the Ministry for Women and Family Affairs as a full Ministry in 1999. The Committee notes with appreciation that the Ministry's budget has doubled since 1994. The Committee further commends the efforts of the State party to consolidate the status of Tunisian women through the establishment of the commission for monitoring the image of women in the media and a national commission for the promotion of rural women.

187. The Committee notes with appreciation the progress made in increasing the enrolment and retention of girls in schools at all levels, including in higher education, the diversification in their areas of study, and reduction of female illiteracy. The Committee commends the measures taken to improve women's health, including through the provision of reproductive health services and reduction of maternal and child mortality rates. The Committee also notes that rural women are enjoying an overall improvement in the quality of rural life due to a combination of regional development and overall sectoral policies, and that these women are benefiting from technical and financial support through the efforts of the economic and financial authorities in Tunisia.

*Principal areas of concern and recommendations*

188. While appreciating the progress made towards creating an environment for withdrawal of the reservations to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d), (f), (g) and (h), through legal reforms, the Committee expresses its concern that these reservations continue to be retained.

**189. The Committee urges the State party to expedite the steps necessary for the withdrawal of its reservations.**

190. While welcoming the legislative reforms introduced by the State party aimed at eliminating discrimination against women, the Committee is concerned about the remaining discriminatory provisions, especially in the nationality law and the Personal Status Code.

**191. The Committee urges the State party to continue the process of legislative reform and review relevant existing laws in consultation with women's groups.**

192. The Committee expresses concern that, although the Constitution provides for the equality of all citizens and the 1997 amendment to the Constitution introduced the concept of non-discrimination with regard to political parties, the Constitution does not contain a specific definition prohibiting discrimination against women and there is no definition of such discrimination in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination. The Committee is concerned at the lack of legal remedies to ensure that the Constitutional provision on equality is enforced or court decisions in which women have obtained redress for acts of discrimination.

**193. The Committee urges the State party to include the definition of discrimination against women in accordance with article 1 of the Convention in its national law and to ensure adequate mechanisms to enable women to seek and obtain redress from the courts for violation of the rights protected by the Convention and the Constitution, with appropriate remedies. The Committee recommends the intensification of education and training programmes on the Convention to enhance the knowledge of judges, lawyers and law enforcement personnel. The Committee invites the State party to provide, in its next report, information about complaints filed in courts based on the Convention, as well as any court decisions that refer to the Convention.**

194. The Committee is concerned that there is a lack of systematic data collection on violence against women, including domestic violence, violence

against women in detention centres and prisons, and sexual harassment in the workplace and in other institutions. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment. The Committee is concerned that article 218 of the Penal Code provides that the withdrawal of a case by a victim terminates any proceeding.

**195. The Committee recommends that the State party devise a structure for systematic data collection on all such forms of violence against women. The Committee calls upon the State party to ensure that all violence against women is prosecuted and punished and that women victims of violence have immediate means of protection and redress. In the light of its general recommendation 19, the Committee requests the State party to enact specific legislation on domestic violence, including marital rape and sexual harassment. It recommends that the number of shelters for women victims of violence be increased and that full sensitization of public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, to all forms of violence against women is ensured. The Committee calls upon the State party to create public awareness of violence against women as an infringement of human rights that has grave social costs for the whole community.**

196. The Committee is concerned at the limited information on trafficking in women and girls and exploitation of prostitution. The Committee notes with concern that, although prostitution is legally prohibited, there are authorized places for it.

**197. The Committee requests the State party to include in its next report information and data on, and the measures taken to prevent and combat, trafficking in women and girls and exploitation of prostitution, as well as the measures taken to protect, rehabilitate and reintegrate women and girls who have been victims.**

198. While noting the measures taken to increase women's political participation, the Committee is concerned about the low representation of women in high-level decision-making positions, including as members of the Chamber of Deputies, in government positions, in the central council and executive committee of the Tunisian Union for Agriculture and Fisheries, as high-ranking diplomats and as full professors in the universities.

**199. The Committee urges the State party to take measures to increase the representation of women in high-level decision-making positions through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention in order to realize women's right to participate in all areas of public life and, particularly, at high levels of decision-making.**

200. The Committee is concerned at the low level of women's labour force participation and at the lack of information regarding its causes. The Committee welcomes Act No. 83-112, which prohibits discrimination on the basis of sex with regard to public entities, but is concerned that such legislation does not extend to the private sector. The Committee notes the absence of statistical data on wages disaggregated by sex and on pensions and social rights.

**201. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment. The Committee also urges the State party to adopt and enforce appropriate legislation to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment. The Committee requests the State party to include in its next report sex-disaggregated data on wages, pensions and social rights.**

202. While noting the reduction in the general illiteracy rate of women, the Committee is concerned that the rate is still high among certain groups of women, particularly rural women and older women.

**203. The Committee encourages the State party to further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women.**

204. The Committee is concerned about the situation of single women with children born out of wedlock and the limited information thereon.

**205. The Committee requests the State party to include in its next report information on the situation of single women with children born out of wedlock, including the measures taken to ensure that their rights are protected.**

**206. The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

**207. The Committee also urges the State party to sign and ratify the Optional Protocol to the Convention.**

**208. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

209. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.

**210. The Committee requests the wide dissemination in Tunisia of the present concluding comments in order to make the people of Tunisia, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**