



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

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## Committee on the Elimination of Discrimination against Women

Forty-seventh session

4-22 October 2010

### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Tunisia

1. The Committee considered the fifth and sixth periodic reports of Tunisia (CEDAW/C/TUN/5-6) at its 949<sup>th</sup> and 950<sup>th</sup> meetings, on 7 October 2010 (see CEDAW/C/SR. 949 and 950). The Committee's list of issues and questions is contained in CEDAW/C/TUN/Q/6 and the responses of the Government of Tunisia are contained in CEDAW/C/TUN/Q/6/Add.1.

#### Introduction

2. The Committee commends the State party for the submission of its fifth and sixth periodic reports which generally follow the guidelines of the Committee (HRI/GEN/2/Rev.1/Add.2) and took into account its previous concluding observations. The Committee also commends the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee expresses its appreciation to the State party for sending a high-level delegation headed by the Minister of Women's Affairs, the Family, Children and Older Persons, which included representatives of various Government ministries, as well as members of the Chamber of Deputies and Chamber of Counselors. The Committee commends the State party for the constructive dialogue held between the delegation and the members of the Committee, which provided clear insights into the situation of women in Tunisia and on the implementation of the Convention.

#### Positive aspects

4. The Committee notes with appreciation the State party's firm determination in achieving gender equality and aligning its legislative framework with international standards, including the Convention. In this respect, it notes that Tunisia is regarded by many other Arab and Muslim countries as a model.

5. The Committee notes with satisfaction the accession of the State party, on 23 September 2008, to the Optional Protocol to the Convention, hence being one of the first Arab States to ratify the Optional Protocol.
6. The Committee welcomes steps undertaken by the State party in view of reviewing and revising discriminatory laws, namely:
  - (a) Amendment to the Code of Personal Status (Law No. 2007-32) in May 2007 to equalize the minimum age of marriage for women and men to 18 years.
  - (b) Amendment of the Nationality Code (Law No. 2002-4) in February 2002 to allow a Tunisian woman married to a foreigner to transmit her nationality to a child born abroad upon the death, disappearance or incapacity of the father; and
7. The Committee notes with satisfaction several legislative initiatives by the State party addressing women and girls in need of social protection, including Law No. 2008-20 of 4 March 2008 entitling a mother with child custody rights to retain the conjugal home; Law No. 2002-32 of 12 March 2002 creating a social security regime for certain categories of agricultural and non-agricultural workers, including domestic employees; and Law No. 2005-32 of 4 April 2005 prohibiting the employment of children under the age of 16 years as domestic workers.
8. The Committee commends the State party for studies and programmes adopted with the aim of evaluating the scope and forms of violence in the State party and eradicating violence against women, including the study on violence against women (2006-2009), the Programme “Gender equality and prevention of violence against women” adopted in 2006, and the “National strategy for the prevention of violence within the family and society: gender-based violence throughout the life cycle” for the period 2007-2011. It further welcomes the adoption in August 2004 of article 226ter of the Penal Code criminalizing sexual harassment.
9. The Committee notes with satisfaction that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:
  - (a) The Convention on the Rights of Persons with Disabilities on 2 April 2008;
  - (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in January 2003;
  - (c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2002;
  - (d) The United Nations Convention against Transnational Organized Crime in June 2003;
  - (e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime in July 2003;
  - (f) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime in July 2003; and
  - (g) The Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court of Human and Peoples’ Rights on August 2008.

### **Principal areas of concern and recommendations**

**10. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and the judiciary, so as to ensure their full implementation.**

### **Parliament**

**11. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and to the Government's next reporting process under the Convention.**

### **Reservations**

12. The Committee welcomes the State party's commitment made during its consideration at the universal periodic review mechanism and during the dialogue with the Committee to withdraw its reservations, as well as the progress made in order to align its legislation with the Convention. The Committee is concerned, however, at the State party's general declaration and reservations to article 9(2) concerning nationality, article 16 (1), paragraphs (c), (d), (f), (g) and (h) and 15(4) regarding marriage, family, and inheritance, as it is of the opinion that some of these reservations are incompatible with the object and purpose of the Convention. In this regard, it notes that the State party withdrew in 2008 similar reservations to the Convention on the Rights of the Child pertaining to personal status, particularly in relation to marriage, inheritance rights, and to nationality.

**13. The Committee urges the State party to withdraw its general declaration and reservations to the Convention, particularly in view of the fact that they may no longer be necessary in the light of recent legislative developments and of the delegation's assurance that there is no contradiction in substance between the Convention and Islamic law. The Committee recommends to the State party to accompany the withdrawal of its general declaration and reservations with appropriate awareness-raising measures so as to counteract "ideological block" identified by the State party.**

### **Definition of discrimination against women**

14. While noting that article 6 of the Constitution of the State party provides for equality before the law, the Committee regrets that the Constitution does not embody the principle of equality between women and men nor contain a definition of discrimination against women in accordance with article 1 of the Convention.

**15. The Committee calls upon the State party to fully incorporate into the Constitution or other appropriate domestic legislation the principle of equality between women and men in accordance with article 2(a) of the Convention, as well as a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extend**

**State responsibility for acts of discrimination by public and private actors in accordance with article 2(e) of the Convention, with a view to achieving formal and substantive equality between women and men.**

#### **Discriminatory laws**

16. The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation. It remains concerned, however, at the persistence of a significant number of discriminatory laws and provisions, including in the nationality law, the Penal Code and the Code of Personal Status, that deny women equal rights with men.

**17. The Committee calls upon the State party to give high priority to the completion of the necessary legislative reforms and to modify, or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in the nationality law, the Penal Code and the Code of Personal Status. The Committee calls on the State party to increase its efforts to sensitize the Parliament, as well as public opinion, regarding the importance of accelerating legal reform aimed at achieving formal equality for women and compliance with the Convention. It also encourages the State party to increase support for law reform through partnership and collaboration with religious and community leaders, lawyers, judges, unions, civil society organizations and women's non-governmental organizations. The Committee further encourages the State party to ensure that women are fully and equally involved in the law reform process.**

#### **Visibility of the Convention and the Optional Protocol**

18. The Committee takes note of the fact that international instruments, including the Convention, are part of Tunisian law and can be invoked before the courts. Nevertheless, the Committee is concerned that the provisions of the Convention have only been invoked once (in 2000) in national courts, which may indicate limited awareness of the Convention, the Convention's concept of substantive gender equality and the Committee's general recommendations among all branches of the Government, including the judiciary. The Committee is also concerned at the lack of dissemination of the Committee's general recommendations and previous concluding observations. It is further concerned that women themselves, especially those in rural and remote areas, are not aware of their rights under the Convention and the Optional Protocol and thus lack the capacity to claim them.

**19. The Committee urges the State party to take all appropriate measures to ensure that the Convention is sufficiently known and applied by all branches of Government, including the judiciary, as a framework for all laws, court decisions and policies on gender equality and the advancement of women. The Committee recommends that the Convention and related domestic legislation be made an integral part of the legal education and training of judges, magistrates, lawyers and prosecutors, particularly those working in the family courts, so that a legal culture supportive of the equality of women with men and non-discrimination on the basis of sex is firmly established in the country. It urges the State party to enhance the awareness of women of their rights through, *inter alia*, legal literacy programmes and legal assistance and to ensure that information on the Convention is provided to women in all parts of the country through the use of all appropriate measures, such as the media.**

#### **Non-Governmental Organizations**

20. The Committee welcomes the State party's recognition of the important role played by non-governmental organizations, women's associations and other civil society groups in the promotion of women's human rights and gender equality. It is concerned, however, at reports of practical restrictions on activities of autonomous non-governmental

organizations, including restriction on their freedom of expression, association and assembly and limitation on their freedom of movement. The Committee notes also with concern allegations of arbitrary arrest and harassment against non-governmental organizations and human rights defenders. The Committee regrets that State party excludes autonomous women's organizations from participation in the policy-making process, in project-based partnership, as well as from State's funding.

**21. The Committee urges the State party to put an end to acts of intimidation and harassment and to respect and protect the peaceful activities of human rights organizations and defenders. The Committee recommends to the State party to cooperate more effectively and in a systematic manner with non-governmental organizations, women's associations and other civil society groups in the implementation of the Convention. The Committee further recommends that the State party consult with non-governmental organizations during all phases of the preparation of its next periodic report.**

#### **Legal complaints mechanisms**

22. The Committee welcomes the fact that both the High Committee on Human Rights and Fundamental Freedoms and the Ministry of Women's Affairs, the Family, Children and Older Persons can deal with complaints based on sex discrimination. It is concerned, however, that these bodies have not received any complaint on this ground in the past years. With regard to article 61bis of the Penal Code adopted in June 2010, the Committee notes the delegation's assurance that such article will not limit the ability of women to bring cases of discrimination before the Committee as provided by the Optional Protocol.

**23. The Committee urges the State party to strengthen its legal complaints system to ensure that women have effective access to justice. To this end, the State party is encouraged to ensure in practice the full independence of the High Committee on Human Rights and Fundamental Freedoms and its compliance with the Paris Principle (General Assembly Resolution 48/134 of 20 December 1993). The Committee also recommends that the State party ensure that the application of article 61bis of the Penal Code does not impede the ability of individuals to have recourse to mechanisms available under the Optional Protocol and provide, in the next periodic report, information about case law on its application.**

#### **Stereotypes and harmful practices**

24. The Committee recognizes the State party's efforts to promote a change in the stereotypical roles of women, notably through the media and educational programmes. It remains concerned, however, at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men. The Committee is also concerned at the resurgence of adverse cultural norms, practices and traditions in the State party. It is concerned that such attitudes and practices perpetuate discrimination against women and girls as reflected in their disadvantageous and unequal status in many areas, including in employment, decision-making, marriage and family relations, and the persistence of violence against women.

**25. In light of the fact that the State party views the persistence of deep-rooted stereotypes as a major obstacle to the withdrawal of its general declaration and reservations to the Convention and in view of the resurgence of adverse cultural norms and practices, the Committee urges the State party to put in place without delay a comprehensive strategy, with the establishment of goals and timetables, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all**

levels of society, in collaboration with civil society. The Committee calls upon the State party to protect media pluralism, guarantee freedom of speech and access to information, so as to stimulate broader public discussions and benefit from the dynamism and creativity of civil society in order to get to the root causes of gender discrimination and to promote a positive, non-stereotypical and non-discriminatory portrayal of women.

#### **Violence against women**

26. The Committee commends the State party for the range of efforts, including recent legislative initiatives, to address violence against women since the submission of its previous periodic report. It remains concerned, however, at the high prevalence of violence against women and girls, as demonstrated by the 2004 surveys showing that some 20 per cent to 40 per cent of women had suffered sexual assault from their spouses, more than 50 per cent faced verbal aggression and that 45 per cent of girls had experienced various forms of violence in public places. The Committee also regrets that despite its previous recommendation, the State party has not yet adopted a comprehensive law on violence against women, including domestic violence and marital rape. It is concerned at article 218 of the Penal Code which provides for the termination of proceedings or conviction with the withdrawal of the complaint by the spouse victim of the assault and at articles 227bis and 239 of the Penal Code which exempts a rapist or a kidnapper respectively from punishment if he subsequently marries the victim. In this regard, the Committee is concerned by the impunity which is too often enjoyed by the perpetrators of these acts as demonstrated by the very high number of complaints withdrawn. It is concerned by the impression provided by the State party that family relations prevail over protection of women and suppression of violence against women. The Committee also regrets the persistent lack of specific data and information on the incidence of various forms of violence against women and girls and the delay in creating the database foreseen in the 2007 “National strategy for the prevention of violence within the family and society”.

**27. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the expeditious adoption of a comprehensive law criminalizing all forms of violence against women, including domestic violence, marital rape and sexual violence. Such legislation should also ensure that women and girls victims of violence have access to immediate means of redress and protection, including protection orders, a sufficient number of safe shelters, and to legal aid. They should also include the setting of targets, benchmarks and time lines for the implementation of the “National strategy for the prevention of violence within the family and society”. In this regard, the State party should speed up the creation of the national database on violence against women so as to provide reliable statistics on all forms of gender-based violence. The Committee also urges the State party to amend articles 218, 227bis and 239 of the Penal Code to ensure that perpetrators of violence against women do not unduly benefit from their acts of wrongdoing. The State party should raise public awareness and conduct education programmes about the fact that all forms of violence against women, including domestic violence and marital rape, are unacceptable.**

28. The Committee is concerned at the lack of sustained funding of shelters and non-residential counseling centers for women victims of violence, at the concentration of such services in urban areas and at uneven quality of services provided. It regrets the approach of the State party with regard to the selection of civil society partners entitled to receive funding.

**29. The Committee calls upon the State party to ensure a sufficient number of shelters and quality non-residential counseling centers, as well as adequate geographical distribution thereof. It urges the State party to provide adequate funding to non-governmental service providers and establish objective criteria for granting such funding.**

30. Notwithstanding the information provided in the replies to the list of issues and by the State party delegation, the Committee remains concerned at allegations of harassment against women wearing the *hijab* (veil) in public.

**31. The Committee urges the State party to take all necessary steps to protect women wearing the *hijab* (veil) from harassment by public and private individuals.**

#### **Trafficking**

32. The Committee notes with appreciation the information provided by the delegation about the draft law on human trafficking under consideration in the State party and the National Plan of Action envisaged in that regard. The Committee is however concerned at the apparent lack of clear understanding of the concept of trafficking in human beings which negatively impact on its ability to address the phenomenon. It also regrets the lack of information on the content of the draft law and the lack of disaggregated data on the prevalence of trafficking. The Committee regrets the lack of information provided on the prosecution and punishment of trafficking and on measures of protection for women at risk of trafficking.

**33. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls. It calls upon the State party to expedite adoption of the draft bill on all forms of trafficking and to ensure that the new law allows prosecution and punishment of perpetrators, effective protection of victims and adequate redress, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and article 6 of the Convention. The Committee encourages the State party to conduct research on the root causes of trafficking and to enhance bilateral and multilateral cooperation with neighbouring countries to prevent trafficking and bring perpetrators to justice. It also recommends that information and training on the anti-trafficking legislation be provided to the judiciary, law enforcement officials, border guards, social workers and service providers in all parts of the country. In addition, the Committee recommends that the State party conduct comparative studies on trafficking and prostitution and address their root causes in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and to undertake efforts for the recovery and social integration of the victims. The Committee urges the State party to study the 2002 UNHCR Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) and to duly implement them while combating trafficking in human beings.**

#### **Exploitation of prostitution**

34. The Committee takes note of the weekly medical check-ups and continuous police control provided by the State party to women engaged in legally authorized prostitution. It is concerned, however, that these measures may infringe their right to private life and privacy and their freedom of movement and that it may contribute to their social stigmatization. Furthermore, the Committee notes the State party's belief that legal and illegal prostitution will progressively decrease along with women's political empowerment. It is however concerned that such views might impede the State party's ability to adopt appropriate measures to effectively address legal and illegal prostitution, including

rehabilitation and economic empowerment programmes for women who wish to leave prostitution.

**35. The Committee urges the State party to take all appropriate measures, including the adoption and implementation of a comprehensive plan to suppress the exploitation of prostitution of women through, *inter alia*, the strengthening of prevention measures, discouraging the demand for prostitution and taking measures to rehabilitate victims of exploitation of prostitution. The Committee requests the State party to include in its next periodic report a comprehensive assessment based on appropriate studies about the causes and extent of legal and illegal prostitution. Such information should be disaggregated by age and geographical areas, and give details about the results achieved.**

#### **Participation in political and public life**

36. The Committee commends the State party for the remarkable gains achieved in participation of women in public life. It notes in particular the rise in women candidates to the 2009 legislative elections to 18 per cent and the increase of women's representation in the Parliament which has reached 26.17 per cent. The Committee notes with appreciations the positive measures taken by the party currently in power to establish, for the last legislative and municipal elections, a minimum proportion of 30 per cent of women's candidates. The Committee regrets, however, that these quotas do not apply to all political parties. Furthermore, the Committee regrets the slow pace of progress in the representation of women in high-level elected and appointed bodies, including as high-ranking officials within executive bodies of Government, judiciary and civil and diplomatic services, and within local government bodies. It is concerned that women's representation in trade unions, as well as in managerial and decision-making positions and on boards of directors in private economic sector continues to be low.

**37. The Committee recommends that the State party pursue sustained policies aimed at the promotion of the full and equal participation of women in decision-making in all areas of public, political and professional life. It recommends that the State party fully utilize general recommendation No. 23 concerning women in public life and calls upon the State party to adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, in order to accelerate the full and equal participation of women in public and political life. The Committee calls on the State party to take the necessary measures to secure the participation of women in the various phases of the electoral process. The Committee recommends the implementation of awareness-raising activities on the importance of the participation of women in decision-making for society as a whole and the development of targeted training and mentoring programmes for women candidates and women elected to public office, as well as programmes on leadership and negotiation skills for current and future women leaders. Furthermore, the Committee requests that the State party monitor developments with regard to women's participation in trade unions and top management positions with a view to supporting further participation in these sectors through legislative or policy initiatives and to provide information on results achieved, including relevant disaggregated statistical data.**

#### **Education**

38. The Committee congratulates the State party for the impressive progress made to achieve gender equality in education, as demonstrated by the higher enrolment rate of girls in secondary and higher education. The Committee regrets, however, that data provided on enrolment rates are not consistent and not always disaggregated on the basis of sex and



location for each age cohort and therefore do not facilitate a ready and accurate assessment of the extent to which girls, at each level and in urban, rural and remote areas, have universal access. In the absence of such data, the full extent to which girls drop-out, at each level of the system, is not readily determined. Further, the Committee notes the segregation of fields of study at the post-secondary level with females concentrated in traditional feminized areas as well as their under representation in technical-vocational education and the consequences of these trends for women's under-representation in the paid labour force.

**39. The Committee encourages the State party to strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas (“zones d’ombre”), as well as accelerate efforts to reduce the number of girls that drop-out, which increases at each successive level of the system. More specifically, the State party should take all necessary steps to increase, in rural and remote areas, the number of qualified teachers, adequate educational infrastructures, including boarding schools, as well as adequate transportation to and from schools. The Committee also recommends that the State party identify and address cultural, ideological and structural barriers to girls pursuing non-traditional fields of study at the post-secondary level as well as provide more opportunities for girls to participate in technical-vocational education. The development and establishment of career guidance and counselling programmes to encourage girls to pursue options that facilitate a smooth transition to the world of work should be urgently addressed.**

40. The Committee notes with satisfaction that illiteracy rate declined during the reporting period and that sectoral collective agreements have included provisions requiring employers to grant illiterate workers the necessary time to follow adult education courses. Nevertheless, the Committee remains concerned, that despite the implementation of the National Adult Education Programme (PNEA) since 2000, there has been a feminisation of illiteracy during the reporting period. The Committee is further concerned at the regional and urban/rural disparities in illiteracy rates, which stood in 2008 at 20.1 per cent in urban areas against 42.8 per cent in rural areas and up to 48.5 per cent in some governorates of the Centre West region.

**41. The Committee calls upon the State party to strengthen its efforts to eradicate illiteracy, to address its feminisation and to close the gap between regions and urban/rural areas.**

### **Employment**

42. The Committee congratulates the State party for the introduction of measures in the employment strategy of the State party to promote gender equality in the labour market but regrets the lack of concrete gender-specific legislative measures to implement the general equality undertaking. The Committee remains concerned at the low workforce participation rate of women (25.3 per cent in 2008), despite their high level of education, the high rate of unemployment affecting women, as well as horizontal and vertical occupational segregation. It further notes the concentration of women in low skilled jobs with low pay and poor working conditions, such as textile and clothing, and in the informal sector. The Committee is concerned at the long-standing pay gap between women and men, with women earning 78 per cent of what men earn, as well as the low representation of women in top management positions and on boards of private companies. It also notes with concern that wage agreements do not reflect the principle of equal remuneration for women and men for work of equal value. While noting that the general labour laws recognize maternity leave, it is concerned that this is not fully in line with ILO Convention No. 89 and that the length of maternity leave differs between the public and the private sector The

Committee regrets the lack of information about the effective implementation of the labour legislation and collective agreements and their enforcement by the Labour Inspectorate.

**43. The Committee urges the State party to adopt policies and concrete legislative measures to accelerate the eradication in employment discrimination against women and to work towards ensuring *de facto* equal opportunities at all levels for women in the labour market. The Committee calls upon the State party to step up its efforts to raise salaries in female-dominated sectors of the State's economy. It encourages the State party to strengthen the Labour Inspectorate, including in the private and informal sectors, to ensure that women in these sectors are not exploited and are effectively provided social security and other benefits. The Committee further urges the State party to ensure that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men and implementing pay equity (equal pay for work of equal value), in line with the Committee's general recommendation No. 13 and the ILO Equal Remuneration Convention (No. 100). It also recommends that the State party make greater use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, by applying numerical goals with timetables or quotas in respect of women's access in the labour market, including non-traditional jobs, and the promotion of women into the upper levels of the public and private sectors. It invites the State party to include, in its next periodic report, information on the extent of use and impact of temporary special measures in the labour market and on measures taken to ensure the effective implementation and enforcement of labour laws and agreements.**

#### **Reconciliation of family and work life**

44. While welcoming the possibilities introduced by Law No. 2006-58 allowing mothers of young or handicapped children to work part-time at two-thirds pay while retaining full rights to advancement, promotion, holiday, retirement and social coverage, the Committee regrets that this possibility has not been provided for fathers. The Committee is concerned that the scarcity of childcare services and the progressive withdrawal of the public sector as service provider, may contribute to the exclusion of poor families and those living in rural areas from these services. It is further concerned that this, together with the absence of a comprehensive support policy, may constitute an impediment to women's participation in the labour market. The Committee regrets that domestic and family responsibilities are still primarily borne by women.

**45. The Committee encourages the State party to step up its efforts to assist women and men in striking a balance between family and employment responsibilities, *inter alia* through further awareness-raising and education initiatives for both women and men on adequate sharing of care of children and domestic tasks, as well as by providing the possibility, and giving incentives, to men to take up part-time employment. The Committee urges the State party to step up its efforts to improve the availability, affordability and quality of care places for school-age children in order to facilitate the entry and re-entry of women into the labour market.**

#### **Sexual harassment**

46. The Committee welcomes the adoption of the 2004 law on sexual harassment but it regrets that it does not embody a definition of sexual harassment in line with general recommendation No. 19, it does not provide for a reversal of the burden of proof, and that, in case of dismissal of the case or acquittal of the accused, the alleged victim of harassment can be charged for defamation. The Committee notes that these limitations together with the low level of awareness among authorities and victims, and the social stigma victims of

sexual harassment often face may explain the negligible number of cases reaching the courts despite the prevalence of the phenomenon in the State party.

**47. The Committee recommends that the State party amend article 226ter of the Penal Code in view of aligning it with the Committee's general recommendation No. 19 and facilitating access to justice for victims of sexual harassment. It calls upon the State party to conduct awareness-raising campaigns targeting in particular working women to break down the culture of silence surrounding sexual harassment, and as recommended by ILO Committee of Expert, to provide competent authorities with specific information to identify and address cases of sexual harassment.**

#### **Female domestic workers**

48. The Committee notes the positive legislative measures aimed at aligning the minimum age of employment with international standards and instituting a social security regime for domestic workers. It is concerned, however, at the lack of data which constitutes an impediment to the ability of the State party to properly address the phenomenon. Furthermore, the Committee is concerned about the findings of a survey conducted by a women's association in 2008 showing that 94.7 per cent of domestic workers did not have social security, 17.5 per cent were between 12 and 17 years old, and about 16 per cent had been victim of sexual violence.

**49. The Committee urges the State party to take all necessary measures to protect women domestic workers from economic exploitation and sexual violence. It also recommends that the State party increase Labour Inspectorates to ensure that under-age children are not exploited, that adequate working and living conditions are provided, and that women domestic workers effectively enjoy social security and other benefits. The State party should also ensure that domestic workers have access to mechanisms for bringing complaints against employers and that all abuses be promptly investigated and punished.**

#### **Health**

50. While commending the efforts made by the State party to improve the health-care infrastructure, and the decrease of 24.5 per cent in maternal mortality rates between 1999 and 2006, the Committee remains concerned at the slow pace of this decrease. The Committee regrets the absence of updated statistics on maternal mortality rates across the country. It expresses concern at important regional disparities with regard to maternal mortality rates, assisted childbirth, and prenatal healthcare coverage. It is further concerned at reports indicating discrimination against single women with regard to access to abortion services. The Committee regrets the lack of information on women's mental health status.

**51. Within the framework of the Committee's general recommendation No. 24, the Committee calls upon the State party to strengthen its efforts to achieve the objectives set in the 11th Development Plan (2007-2011) and to reduce regional disparities in women's access to health care and health-related services. It urges the State party to conduct comprehensive national surveys on maternal mortality and morbidity, publish all findings and include, in its next report, sex-disaggregated data on morbidity rates, at the national and regional level, as well as in urban and rural areas. The Committee requests the strengthening and expansion of efforts to increase knowledge of and access to affordable contraceptive methods throughout the country and to ensure that single women do not face barriers in accessing abortion services. It also recommends that education on sexual health and rights be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of sexually transmitted infections, including HIV/AIDS. The Committee also calls upon the State party to provide information about women's**

mental health status, as well as their access to mental health services, in its next periodic report.

#### **Rural women**

52. The Committee welcomes the State party's efforts to address the development of rural women, including through its National Action Plan for the Advancement of Rural Women (PANPER), the adoption of mechanisms for its coordination, monitoring and evaluation, and the creation of outreach centres ("pôles de rayonnement") in rural areas. It remains concerned, however, at the situation of rural women, in particular older rural women, including their access to education, health-care services and income-generating activities.

**53. The Committee encourages the State party to pursue its policies and programmes aimed at the economic empowerment of rural women and ensuring their access to health-care services, education and social services. The Committee requests the State party to include in its next periodic report information and data on the situation of rural women, and of older rural women in particular, and on the results of its policy aimed at their economic empowerment as well as their access to education and health-care services.**

#### **Single women**

54. In line with its previous concluding observations, the Committee expresses concern about the precarious situation of single women with children born out of wedlock who continue to face discrimination and social stigmatization.

**55. Further to the recommendations of the Committee on the Rights of the Child, the Committee encourages the State party to take all possible measures to eliminate discrimination and social stigmatization against single mothers, including through the provision of appropriate psychosocial and financial assistance and the conduct of awareness-raising campaigns.**

#### **Disadvantaged groups of women**

56. The Committee is concerned at the very limited information and statistics provided about disadvantaged groups of women and girls, including minority women, migrant women, refugee women and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, protection from violence and access to justice.

**57. The Committee requests the State party to provide, in its next report, a comprehensive picture of the *de facto* situation of disadvantaged groups of women and girls in all areas covered by the Convention and information on specific programmes and achievements.**

#### **Nationality**

58. The Committee notes with interest the information provided by the delegation about the draft law amending article 6 of the Nationality Code. It remains concerned, however, that the Nationality Code does not provide women with the same rights as men to acquire or transmit their Tunisian nationality. In particular, the Committee is concerned that children born in Tunisia can only acquire the Tunisian nationality if they have male ascendants whereas this possibility is not provided in the case of female ascendants. It is further concerned that Tunisian women cannot pass their nationality on to their foreign husbands, unlike Tunisian men who have such right by marriage, and that the children of Tunisian

women married to foreigners are still encountering obstacles in acquiring the Tunisian nationality.

**59. The Committee requests the State party to expedite the adoption of the draft bill amending article 6 of the Nationality Code and to continue harmonizing its Nationality Code with article 9 of the Convention. It also recommends to the State party to withdraw its reservation concerning article 9, paragraph 2.**

#### **Marriage and family relations**

60. While commending the State party for recent legislative amendments, including to the taxation law and to the Code of Personal Status with regard to the age of marriage and the possibility for a Tunisian women to transmit her nationality to her child, the Committee remains concerned about the persistence of discrimination with regard to personal status, in particular concerning marriage, child custody and guardianship, as well as inheritance. In this respect, the Committee expresses its concern at an administrative regulation dated 1973 forbidding marriage between a Muslim Tunisian woman and a non-Muslim man thus creating an impediment not foreseen by the Code of Personal Status. While noting the efforts of the State party to reduce the value of the dowry to one dinar, the Committee is concerned that it remains a condition for the validity of the marriage. The Committee notes also with concern that despite considerable efforts made to ensure equality of spouses during marriage and on its dissolution, the husband remains the head of the household, and is therefore entitled to choose the couple's domicile and to transmit his name and his nationality to the child. Furthermore, the Committee is concerned that mothers do not share parental responsibility on an equal footing with men and that they do not enjoy full guardianship rights. The Committee also notes that, notwithstanding the February 2009 landmark decision of the High Court of Appeal, and the "retour mechanism" introduced in the law of succession, discrimination in inheritance still persists. Furthermore, it regrets that the joint property regime is not the default legal regime, which leads to the economic vulnerability of the wife.

**61. The Committee calls upon the State party to ensure equality between women and men in marriage and family relations and to withdraw its reservations to article 16. The Committee urges the State party to amend without delay all remaining discriminatory provisions and administrative regulations, including provisions or regulations relating to marriage, dowry, custody and legal guardianship of children and inheritance. The Committee also recommends that the State party establish joint ownership of property within marriage as the default legal regime to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16 paragraph 1(h) of the Convention and the Committee's general recommendation 21.**

#### **International and Regional Cooperation**

62. The Committee commends the proactive attitude of the State party towards the promotion of gender equality in international forums and through its regional cooperation with other countries in the field of women's rights.

**63. The Committee recommends that the State party seize all possible opportunities, including through regional cooperation programmes, to provide Tunisian girls and women with the opportunity to gain experience abroad on an equal footing with men.**

#### **Beijing Declaration and Platform for Action**

**64. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action,**

which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

#### Millennium Development Goals

65. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

#### Dissemination

66. The Committee requests the wide dissemination in Tunisia of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the *de jure* and *de facto* equality of women, as well as the further steps that are required in that regard. The Committee recommends that the dissemination should include the local community level and, in particular remote communities. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

#### Ratification of other treaties

67. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore recommends to Tunisia consider becoming party to the following treaties: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by (by signing and ratifying or acceding); and the International Convention for the Protection of All Persons from Enforced Disappearances (by ratifying).

#### Follow-up to concluding observations

68. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13 and 27 above.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

**Preparation of next report**

69. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women's and human rights organizations during that phase.

70. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in October 2014.

71. The Committee invites the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents", approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (see HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines, adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

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