

TUNISIA

CEDAW A/50/38 (1995)

218. The Committee considered the combined initial and second reports of Tunisia (CEDAW/C/TUN/1-2) at its 269th and 273rd meetings, on 23 and 26 January 1995 (see CEDAW/C/SR.269 and 273).

219. In introducing the report, the representative of Tunisia, emphasized the important changes that had occurred in 1987, which asserted women's fundamental rights and promoted their economic and social status. The first accomplishment after Tunisia's independence was the adoption of the Personal Status Code, which laid the foundations for a new organization of the family, based on legal equality of men and women. Tunisia had a long history of women's emancipation, which led in 1936 to the creation of its first women's organization. The Tunisian leaders adopted a dynamic interpretation of Islam, and since 1956, Tunisian legislation had gradually been establishing the conditions necessary for women's equal status in the political, economic and social life. This new vision of society had been widely disseminated and had gradually been adopted by women. Equality of opportunity was beginning to emerge and was given considerable impetus through new women's organizations.

220. The representative stressed that in a society such as that of her country, women's freedom and their rights as citizens remained vulnerable, and must be continually reinforced. Among the mechanisms created to achieve that end was the Ministry of Women's and Family Affairs, the Research, Documentation and Information Centre and the National Women and Development Commission. Women had been appointed to high-level political posts and a series of legislative reforms had been sought to remove any archaic elements remaining from the past. The new vision of the family had been built on the principle of partnership between the spouses. The most important amendments referred to the Personal Status Code, the Penal Code and the Labour Code, and thus women currently entered more fully into the era of human rights. The greater involvement of women in the informal sector had also been able to limit the negative effects of the structural adjustment plan.

221. The representative illustrated, through concrete figures, the advances made by women in many professions, in decision-making positions and in schooling, thanks to the policies of universal education, health and family planning. Since 1956, Tunisian legislation had been modelling a new society within the framework of modern Islam, gradually abandoning the static models of thought inherited from traditional society, and the Tunisian society of today was concerned with following the principles of religion without sacrificing progress. Major concerns were illiteracy and the resurgence of backward models under the influence of current fundamentalism. Tunisia was aware that it could not successfully embark upon the twenty-first century without allowing an irreversible involvement of women in its development policy.

General observations

222. The Committee commended the well-structured and comprehensive report, supplemented by extensive statistical data, and its frank and succinct presentation and expressed appreciation for the fact that the Minister for Women's and Family Affairs herself had introduced the report. Bearing in

mind Tunisia's geo-political environment, it paid tribute to the big strides made by the country for the advancement and empowerment of women and stated that Tunisia could be considered, even since the 1950s, as a shining example for other countries, because of its progressive and programmatic interpretation of Islam. The members emphasized the adoption of the Personal Status Code in 1956 and all the reforms it brought about. However, they expressed concern at the reservations entered concerning articles 9 and 16, and in particular, at the language of the general declaration and the declaration made with regard to article 15, which seemed to close the door on any future revisions of national legislation. They expressed the hope that the reservations and declarations would be withdrawn in the near future. In replying, the representative said that Tunisia had not entered any reservations regarding other international treaties dealing with the status of women. The Convention had been ratified in a particular socio-political context, which was marked by rising fundamentalism, conservative traditions and related issues. Although the political vision was enlightened and most of the provisions of the Convention were already being applied in the country, the specificities of internal law should not be denied. The general declaration, however, did in no way intend to detract from the Government's commitment to the Convention. It was only made to explain the reservations entered. Since ratification many legal reforms had been introduced in favour of women, which showed that the country was slowly but surely moving towards gender equality, and the reservations would certainly be withdrawn before not too long.

223. While recognizing the efforts undertaken by the Government in the area of education, members were concerned at the high rate of illiteracy among girls between the ages of 14 and 24, at the low level of the participation of women in political decision-making despite substantive gains made in legal equality and at the current provisions regarding women's inheritance rights. They stated that Tunisia had not yet succeeded in filling the gap between the elite and the broader sectors of the society. While praising all the rights given to women, further information was requested on the de facto situation of women and on steps taken by the Government to protect the rights of individual women, irrespective of their family status. In reply, the representative stated that a general policy of emancipation and faith in the human being was the driving principle for all political action, and the measures taken by the President in 1992 marked a certain dynamism in the women's movement. The participation of women at the last elections had been four times higher than in the past and the President emphasized in his statements that women should take advantage of the opportunities provided to them by democracy to develop further their achievements. Women's rights were fundamental rights, which benefitted women irrespective of their family status. At the same time, while the family needed to be preserved, decision-making in the family needed to be shared by women and men. A study had been made on the issue.

224. Referring to pressure exercised by religious extremist groups in neighbouring countries and to questions raised as to whether there was any long-term plan that would guarantee women their full democratic rights and avoid any set-backs and whether Tunisia was collaborating with other Islamic countries in that respect, the representative replied that, in Tunisia, democracy was a process based on the principle that its conditions were fulfilled and that human rights encompassed also economic and social rights. Political liberty was meaningless without economic independence. She said that the terrorists who denied women their rights were also inveterated enemies of human rights in general, and democracy must defend itself against those forces. Yet Tunisia could not remain isolated in following the right path and other countries should follow that example.

225. In making an additional comment, a member inquired whether Tunisia was intending to introduce women's issues into the Organization of the Islamic Conference.

Article 3

226. Members inquired through which means the national mechanism for the advancement of women was implementing its policies at the regional level, what its financial resources were and which steps were being taken to involve more women in the mainstream of the society.

Article 5

227. Members praised efforts made to correct stereotypes through presenting a more positive image of women in school textbooks and through human rights education. Further information was requested on violence against women of any kind, i.e., domestic violence, rape, sexual harassment at the work place, violence against female prisoners, in particular political prisoners, violence against prostitutes and any other vulnerable groups, and sexual abuse practiced by police officers.

228. The representative explained that the phenomenon of violence against women had only recently become a subject of investigation, and it was difficult to obtain reliable statistical data because the victims only rarely reported such incidents to the competent authorities. So far, only 7 per cent of cases of marital violence had been submitted to the Ministry of Women's and Family Affairs. The subject was no longer taboo and women's associations were carrying out studies and setting up hot-line services for battered women. The results of those efforts would be outlined in the subsequent report. It was equally difficult to obtain trustworthy statistical data on cases of rape and sexual harassment, and only rarely were cases reported. Apart from the important change in the Penal Code regarding conjugal violence, which made rape within marriage a punishable offence, other new measures to deal with the problem were the institution of a family judge, the creation of defense and social integration centres, hot-line services, centres for battered women set up by non-governmental organizations and media campaigns directed at young people. Violence against women was dealt with in the framework of a global national strategy of awareness-raising. In addition to that, the Research Documentation and Information Centre (CREDIF) had issued a little booklet to disseminate the contents of the Convention in the schools.

Article 6

229. Responding to questions regarding health care plans for prostitutes, the representative emphasized that the authorities focused on the health aspect and instituted mandatory medical visits for prostitutes in order to prevent sexually transmitted diseases and human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS).

230. In reply to questions, the representative explained that regulated prostitution was not banned because it curtailed clandestine prostitution and protected minors from abuses. Clandestine prostitution was severely punished in Tunisia. Replying to a question about the percentage of regulated prostitution, the representative said that it had drastically decreased. Currently only 68 women were registered in Tunis as "regulated prostitutes". The decrease was attributable to the

rising living standard, the progressive eradication of poverty and women's entry into the labour force.

231. Replying to questions raised by members about the existence of child prostitution and trafficking in women, the representative stated that neither of the two had ever existed in Tunisia despite rising tourism. Asked about measures to prevent minors from engaging in prostitution the representative said that it was banned by law. Judges could decide to place delinquent minors in special centres in order to prepare them for their reintegration into society.

232. Further questions referred to the social reintegration of prostitutes, and to the protection of the rights of female prostitutes in practice. Members requested detailed statistical data in the subsequent report and asked whether the current legislation was not discriminatory in that it made a distinction between female prostitutes and their male clients.

Article 7

233. Asked about measures taken to change women's approach to political life and to encourage girls to alter their views on political matters, the representative stated that the Ministry of Women's and Family Affairs had set up an evaluation campaign to assess the impact of development projects on women. The Ministry was also planning to set up several plans of action, such as one aimed at rural women and another that focused on better time sharing by women between professional and household tasks, and was conducting several communication and information campaigns. The Ministry was assisted in its efforts by the National Council for Women and the Family and non-governmental organizations.

234. Members wanted to know how the Government was coping with the apparent resistance by men to institutionalizing women's integration in political life. The representative said that although some men had shown resistance, it was gradually waning because of women's outstanding competence and devotion, and at the last elections a woman had scored highest in the main party. More and more women had become visible at lower political levels and sensitization campaigns should help women in gaining more votes.

235. As members noted that women did not seem to be represented in trade unions nor in banking institutions, the representative said that presently a national women's commission consisting of coopted members participated actively in the elaboration of an activity programme for trade unions.

Article 9

236. When asked why women were given unequal treatment where the transmission of nationality to alien spouses and to their children was concerned and whether the National Women and Development Commission was taking any steps to remove these differentials, the representative said that the inequality had been softened as a result of the amendment of article 12 of the Nationality Code in July 1993. Currently the transfer of nationality still required the consent of both spouses. It was to be hoped that the reservation in this article could be lifted in the near future.

237. Members also inquired what was being done to disseminate information on the legal rights of

women to the public at large.

Article 10

238. Members commended the Government for the particular attention to education and for dedicating to it as much as 10 per cent of the State budget. They praised the strides made in increasing the enrolment level of girls in secondary schools. They noted, however, a high concentration of girls in traditional female fields of education and a tendency of female students to embark on careers that were financially less rewarding. They asked whether there was a particular preference for girls to follow the traditional female paths and whether there were any plans to encourage them to break into non-traditional, so-called "men's fields". Asked whether school curricula might be responsible for that fact, the representative stated that schoolbooks did not allow for any discrimination. However, girls appeared to choose economics more frequently than industrial vocations, and arts and literature over mathematics and science. Girls' options were also determined by the current labour market, which was still dominated by certain stereotypes. The educational reform introduced new school orientations. Another innovation was the introduction of human rights education at primary and secondary level. Other measures in that direction were national seminars and annual campaigns, orientation courses for parents and their children and pilot projects to encourage girls to take technical subjects.

239. In reaction to the statement by the representative that, for the first time, a woman had become regional director of secondary education and a woman had been appointed as university rector, members warned against the "token woman" syndrome. They said that experience in other countries had shown that the appointment of a "token woman" reinforced stereotypes, rather than improved the status of women.

240. Commenting on the lower school enrolment of girls and replying to questions as to whether any studies had been carried out to determine the causes for the high drop-out rate of girls from school, the representative explained through statistical data that the gap between girls and boys in school enrolment was gradually shrinking in the direction of attaining a gender balance. Whereas originally the school drop-out rate was higher for girls than for boys, especially in rural areas, that tendency had been almost reversed at all levels. Studies that had been undertaken on the subject gave as major reasons socio-economic and cultural factors in the rural areas. To alleviate that problem, school timetables had been changed, school aids had been introduced, schooling had been made mandatory from 6 to 16 years and non-compliance had been put under sanction. It was said that the need to promote equality of opportunities for children of both sexes in urban and rural areas had become one of the parameters for educational planning and infrastructure.

241. Referring to observations made about the high illiteracy rate, the representative said that one of the reasons for the high percentage of illiterate girls was that girls entered school later than boys. It was to be hoped that the school reform and the national programme that had been elaborated within the eighth development plan would achieve the targets set for reducing female illiteracy, particularly in the 18 to 29 age group. A national commission had been set up in collaboration with several ministries to monitor the programme.

Article 11

242. Comments were made about the low percentage of women's economic participation in the agricultural sector, and members asked whether efforts were being made to give more importance to the informal sector. The representative stated that numerous studies showed the extent to which informal sector had contributed to the national economy, and it was also proved that women's contribution to the informal sector could reduce the negative effects of the structural adjustment plan. Forthcoming measures for that sector were an assistance fund for small rural enterprises, a sensitization campaign about family economy and the publication of a guidebook to instruct women about possibilities of credit.

243. Asked about any plans to explore the training possibilities for women in non-traditional jobs, the representative said that thanks to the current reform of professional training, women should get access to new vocational and professional qualifications, in particular in non-traditional fields. At the same time, the quality of training was improved in women's traditional fields.

244. Members inquired about plans to abolish the prohibition on night work for women.

Article 12

245. While commending the Government's efforts made in the area of family planning, members asked whether plans existed to expand the health coverage for women and girls. The representative confirmed the existence of such plans and programmes.

246. Asked whether a woman could decide to have an abortion or whether she needed the permission of her husband, the representative said that abortion was allowed under certain conditions and if it was carried out in a hospital by an authorized physician within the first three months of pregnancy. After that time abortion was allowed only for health reasons.

247. Further clarification was requested on women who allegedly suffered depression or hysteria as they sought to reconcile liberal education with traditional norms. The representative commented that those allegations were not supported by any reliable data and seemed to be part of the propaganda of fundamentalists.

Article 15

248. Members asked why the Government had entered a declaration on this article upon ratification of the Convention in so far as choice of residence and domicile by women was concerned, despite the entry into force of the Personal Status Code. The representative explained that the declaration had been made because articles 23 and 61 of the old Personal Status Code contradicted the provisions of the Convention. Since the amendment of the Code, the clause of "obedience" had been removed. Currently, the free choice of the woman's residence could only be curtailed in the light of her custody duties for a child of school age. Judges always took into consideration the child's interests as paramount.

Article 16

249. Members commended the Government on the progress made in the abolition of polygamy and the free choice of a husband, but they required more information and a real analysis of the de facto position of women in the family. Members were interested in knowing whether the national law of the country was the religious law as interpreted from the Koran, whether there was a separate secular law and what happened in cases of conflict. The representative explained that originally there had been no unified legal system. When Tunisia gained independence in 1956, the Sharia law and institutions had been reformed and one unified law applied to all Tunisians of any faith. Religious courts had been abolished, and the new Family Code of 1956 was applicable throughout. The amendment of the Personal Status Code gave women a better status in the family. The new family was founded on the concept of mutual respect and cooperation between the spouses in all family matters, including the education of their children, the obligation of women to contribute to family expenses and the abolition of the "obedience" clause. The legislation still preserved the husband as head of the family, but it was likely that as women gradually became more independent economically, the role of the husband as economic custodian would disappear. Another new provision was that women could get guardianship of their children after divorce.

250. In reply to a request for further explanation of the prohibition of polygamy, the representative said that one of the conditions for entering into a marriage was that the individual was free from any other marriage bond. Whoever infringed upon that provision was liable to sanction. Marriages had to be entered into the civil registry and customary law marriages and free unions were prohibited. The rights of children from free unions were protected through a system of judicial machinery.

251. Asked why the minimum age for marriage was different for girls and boys, the representative said that before the entry into force of the Family Code there was no minimum age at all. The current minimum ages were conditioned on mentality, traditions, education and access to the labour market.

252. In relation to questions raised about whether property acquired during marriage was equally shared between the spouses the representative explained that Tunisian law enshrined the separation of conjugal property. Each of the spouses maintained exclusive control over his or her property and was in charge of his or her debts. The spouses could, however, choose another system when they entered into marriage. While maintaining separation of the property that was brought into the marriage, the spouses could opt for community of property acquired during marriage. As that system was not generally known, it was rarely applied.

253. Members asked whether girls had the same rights to inherit as boys and whether the wife's right of inheritance from her deceased husband was equal to the husband's rights vis-a-vis his wife. The representative explained that the inheritance law was based on the Koran. Consequently, men inherited twice the share of women if they were equally related. It was to be hoped that with the evolution of the Tunisian society that inequality would be overcome.

254. Referring to the persistence of the institution of dowry the representative stated that it was maintained symbolically, in order not to break completely with the Muslim tradition. The amended Family Code, however, no longer contained a fixed amount.

255. Regarding questions about the possibility of inter-faith marriages, the representative said that a marriage of a Tunisian woman with a non-Muslim was possible only if the husband converted to Islam.

256. Asked about reservations entered by Tunisia upon ratification of the Convention on the Rights of the Child the representative said those reservations were similar to those with respect to the Convention on the Elimination of All Forms of Discrimination against Women.

257. Members asked what the reasons were for the reservation to article 16, paragraph 1 (c), whether it was socially accepted for a woman to live independently without a spouse, and who had the guardianship over children living outside the country, who were born in Tunisia to a foreign woman. They expressed concern at the non-recognition of free unions and inquired whether the Government was intending to ratify the Convention on the Civil Aspects of International Child Abduction.

Concluding comments of the Committee

Introduction

258. The Committee expressed appreciation to the Government of Tunisia on its combined report, presented in accordance with the general guidelines, and on the fact that the report contained important information on legislation and measures relating to the implementation of the Convention.

259. The Committee noted with great appreciation the high-level representation sent to discuss the report, which serves as an indication of the importance attached by the Government to its obligations under the Convention, and the comprehensive and constructive approach that characterized the dialogue with the delegation.

260. The Committee expressed its appreciation for the additional information provided by the ministerial delegation, which had endeavoured to answer all questions from the Committee in an open manner.

Positive aspects

261. The Committee noted, from the new provisions of the Personal Status Code, that the Government had remained steadfast in guaranteeing and protecting the rights and property of women.

262. The Committee stressed that the promotion of women's rights was the best safeguard against extremist and retrograde movements.

263. The Committee took note of efforts made by the Government to secure the implementation of the Convention's provisions throughout the country.

264. The Committee noted with satisfaction the progress being made in introducing legislative measures to improve the application of the Convention. The inclusion of measures for the advancement of women in the Eighth National Development Plan of the country constituted a step

forward in that regard.

265. The Committee equally noted with great admiration the existing political will to maintain progressive interpretation of women's rights under both civil and religious laws.

Principal subjects of concern

266. The Committee was concerned about the general declaration made at ratification in relation to reservations made to the Convention.

267. The Committee expressed its concern with the high rate of illiteracy among women in Tunisia, since access to education was fundamental to the empowerment of women. Equally important was the fact that the number of school drop-outs among girls was high.

268. The Committee noted that in higher education women were concentrated in specific areas of studies and therefore in professions which had low return or less job opportunities. Women needed to be encouraged to join scientific fields in order to have better chances of employment.

269. The Committee noted the lack of information on violence against women in the family.

270. The Committee noted that, although there was a political will by the Government concerning support of women's rights, the political participation of women was still unsatisfactory.

Suggestions and recommendations

271. The Committee urges the Government to consider withdrawing its reservations.

272. The Committee wishes to see in the next report more information on the issues of women's illiteracy and school drop-out.

273. The Committee suggests that more information on violence against women in the family and the community should be provided in the next report.

274. The Committee encourages the Government of Tunisia to further increase its efforts for women's political participation at all levels.

275. The Committee proposes that more training courses for women in non-traditional areas be conducted, as well as more support be given to women in the area of agriculture.

276. Ways and means should be envisaged to encourage women and girls to enrol in science fields.

277. More cooperative activities should be encouraged at the regional level to consolidate women's rights that had been gained so far and to prevent any set-back as a result of the threat of religious extremist trends.

CEDAW A/57/38 part II (2002)

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".