



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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Implementation of the Convention on the Rights of Persons with Disabilities

List of issues to be taken up in connection with the consideration of the initial report of Tunisia (CRPD/C/TUN/1), concerning articles 1 to 33 of the Convention on the Rights of Persons with Disabilities

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

1. Please explain whether persons with intellectual forms of disabilities are considered “persons with disabilities”, and therefore entitled to the benefits accorded to such persons under Act No. 83 (2005).
2. Please indicate what institution or organization, if any, has the authority to decide on the types of cases enumerated in paragraph 41 of the initial report (CRPD/C/TUN/1) and who may submit cases for decision. Please explain whether the law provides for a regular review of such decisions. If so, when are the reviews conducted and at what intervals?
3. Please indicate the measures in place to follow up on recommendations made by civil society organizations for persons with disabilities. Please provide details and timelines.
4. Please explain whether the denial of “reasonable accommodation” is considered as a form of discrimination under Tunisian law. Please outline the relevant legislation. How does this concept apply to education and work?

B. Specific rights

Equality and non-discrimination (art. 5)

5. Please explain how equality and freedom from all forms of discrimination in all areas of life is guaranteed to persons with disabilities.

Women and children with disabilities (arts. 6 and 7)

6. In the light of the low percentage of women with disabilities recognized among members of the disabled community (33.6 per cent), please explain how information on women with disabilities is collected.

7. Please explain the specific measures provided for in the Child Protection Code to protect children with disabilities. How are cases of violence against children with disabilities dealt with?

8. Please provide information on the concrete channels available to children with disabilities to express their views on all matters concerning them. Please explain how it is guaranteed that their views are given serious consideration, on an equal basis with other children.

Awareness-raising (art. 8)

9. Please explain the steps being taken to ensure that information about the Convention, relevant awareness-raising material and legislation related to disability rights and non-discrimination are made available in accessible versions including sign language(s), Braille, and plain language formats. In this context, please also elaborate on any awareness raising-programmes that may have been established, their target audiences and whether they involve public officials.

Accessibility (art. 9)

10. Please provide updated information on the implementation of the national accessibility plan launched in 2008. Please indicate whether the plan has been evaluated, and if so, the results that have thus far been achieved. Please outline the obstacles or challenges faced in this process.

Right to life (art. 10)

11. Please explain the circumstances under which deaths in the home and institutions (residential institutions and hospitals) of persons with disabilities are investigated, as well as the steps taken to ensure an effective investigation.

Legal capacity (art. 12)

12. Please provide updated information on the application of the concept of legal capacity in national law and practice, as applied to persons with disabilities, including relevant case law.

13. Please elaborate on the forms of guardianship that exist in relation to persons with disabilities, and the actions that a person with disabilities subject to any form of guardianship is prevented from taking on his or her own, including entering into contracts, voting, marrying, taking decisions about one's health, and accessing a court.

14. Please provide information on the measures planned or undertaken to replace substitute decision-making (guardianship) by supported decision-making in the exercise of legal capacity, in accordance with article 12 of the Convention.

Liberty and security of the person (art. 14)

15. Please indicate whether having disabilities, including intellectual, mental and psychosocial disabilities, constitute a basis for the deprivation of liberty under current legislation, either alone or in combination with other grounds. If so, please explain: whether steps are being taken to repeal or amend this legislation; the criteria for placing a person with disabilities in a specialized institution; and the details of the process for challenging placement decisions.

16. To what extent are persons with disabilities represented in the criminal justice system? What special measures are provided for in the law for persons with disabilities? Please

outline the training programmes established for judicial officials and for prison officials on the rights of persons with disabilities, and to what extent they are mandatory.

Protecting the integrity of the person (art. 17)

17. Please indicate whether specific legislation exists to protect persons with disabilities from being subjected to medical experiments or treatment without their free and informed consent, including forced abortion or sterilization on women with disabilities. Please provide information about the legal and regulatory framework concerning the use of restraining equipment and forced treatment in mental health services. Please outline the protocols and training programmes in place, if any, that ensure that persons are not subjected to restraints and forced treatment.

Right to live in the community (art. 19)

18. Please provide updated information on short- and long-term strategies developed for the deinstitutionalization of persons with disabilities. Please indicate which law sets out how persons with disabilities can benefit from health services and rehabilitation in their homes and explain the criteria for benefiting from these services.

Education (art. 24)

19. Please provide updated information on the extent of the implementation of the 2003 national plan for inclusion in primary, secondary and tertiary education of persons with disabilities. Please explain the criteria by which it is determined that a child with disabilities is placed in a mainstream or specialized school.

20. Please provide information about the progress achieved toward ensuring full scholastic inclusion of children with disabilities. Is it foreseen that the goal will be achieved by the year 2015 as planned? If not, what obstacles will prevent it from being achieved? Please outline any contingency plans adopted or being developed to address the situation.

Health (art. 25)

21. Please indicate if there is any programme in place to disseminate information pertaining to sexual and reproductive health. Please also indicate whether this information is provided to persons with disabilities in an accessible form.

Habilitation and rehabilitation (art. 26)

22. Please indicate the percentage of persons with disabilities who have access to rehabilitation and technical assistance for rehabilitation and what, if any, technical services and aid are supplied free of charge for persons with disabilities and low incomes. Please also indicate whether these services and aid are affordable for other persons and the extent to which rehabilitation programmes are based in the community.

Employment (art. 27)

23. Please indicate the percentage of persons with disabilities - disaggregated by sex - in employment in relation to the general population, both in the open labour market and in special working programmes.

24. Please provide updated information on the implementation of the programme for the employment of persons with disabilities launched in 2005. Please elaborate on any obstacles encountered impeding its full implementation. Please explain how the programmes ensure that persons with disabilities are able to choose their own vocations, to receive the necessary

educational support and training to enter into the workplace on that basis, and to obtain wages and conditions of work equal to those of other persons.

25. Please outline the measures taken to publicize among employers the provisions concerning the employment of persons with disabilities of Act No. 83 of 15 August 2005 on the advancement and protection of persons with disabilities. Please provide information on any measures taken to ensure their enforcement, in particular the system of quotas.

26. Please elaborate on whether the general employment act protects persons with disabilities from discrimination, including the denial of reasonable accommodation and harassment at all stages of employment.

Participation in public and political life (art. 29)

27. Please indicate whether there are any restrictions based on disability on the rights of persons with disabilities to vote, to be elected, or to join public service on an equal basis with others. If there are any such restrictions, including through deprivation or restriction of legal capacity, please explain the nature of those restrictions and the implementing framework. Please clarify whether assisted voting is provided for in law. Please provide further information with regard to ensuring the right to participation in public and political life for persons with disabilities, in particular the right to vote of persons with intellectual, psychosocial and mental disabilities.

C. Specific obligations

Statistics and data collection (art. 31)

28. Please provide information on data collection criteria (including an analysis of gender perspective) and the legal framework which regulates the collection and maintenance of personal data, including that on persons with disabilities. Please explain whether statistical information on persons with disabilities is transferred to other ministries and services to ensure the establishment of intersectional public policies, and in this regard, explain how right to privacy of persons with disabilities under article 22 is ensured.

29. Please confirm whether all persons with disabilities, without exception, are covered by health insurance. Please provide the number and percentage of persons with disabilities whose health insurance is covered (a) by the State, or (b) by a social fund.

National implementation and monitoring mechanisms (art. 33)

30. Please elaborate on the steps, if any, taken to ensure that the Higher Committee on Human Rights and Fundamental Freedoms meets the requirements of the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please indicate the specific role and attributes of the Higher Council for the Care of Persons with Disabilities in relation to the rights of persons with disabilities.

31. Please provide a copy of the latest report on the work of the Higher Committee for Human Rights and Fundamental Freedoms.