



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

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined fifth and sixth periodic reports of States parties**

**Tunisia\***

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\* The present report is being issued without formal editing.

## **Tunisian Republic**

### **Combined fifth and sixth periodic reports of Tunisia on application of the Convention on the Elimination of All Forms of Discrimination against Women (1999-2007)**

**For consideration by the Committee on the Elimination of Discrimination against Women pursuant to article 18 of the Convention on the Elimination of All Forms of Discrimination against Women at its [number] session to be held in Geneva in [month]**

Tunisia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, through Law No. 85-68 of 12 July 1985.

Pursuant to article 18 of the Convention, the Tunisian Government hereby presents to the Committee on the Elimination of Discrimination against Women a consolidated report (combined fifth and sixth reports) covering the period 1999-2007, with occasional references to the year 2008.

This report describes the progress made in response to the questions raised by the Committee during its examination of the third and fourth reports of Tunisia at its 567th and 568th sessions on 14 June 2002. The report also provides information that the Committee may use to analyse and understand Tunisia's approach in applying the CEDAW.

Preparation of this report involved contributions from the various ministries and public institutions concerned, as well as civil society. The report was also submitted, as a draft, to the Senior Committee on Human Rights and Fundamental Freedoms, and its principal observations have been taken into account in this report.

The reader is referred to the basic document constituting the first part of the reports of States parties, as well as the previous report on Tunisia submitted pursuant to the Convention.

Tunisia is pleased to continue its dialogue with the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and to discuss the points raised by the Committee in its previous concluding comments.

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**List of abbreviations**

ATM	Tunisian Mothers' Association
ATFD	Tunisian Association of Democratic Women
ATFP	Tunisian Agency for Vocational Training
AVFA	Agricultural Extension and Training Agency
BTS	Tunisian Solidarity Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COC	Code of Obligations and Contracts
CP	Penal Code
CPE	Child Protection Code
CPP	Code of Penal Procedure
CREDIF	Centre for Research, Studies, Documentation and Information on Women
CSP	Code of Personal Status
FSN	National Solidarity Fund
ICRC	International Committee of The Red Cross
ILO	International Labour Organization
MAFFEPA	Ministry of Women's Affairs, the Family, Children and Older Persons
MASSTE	Ministry of Social Affairs, Solidarity and Tunisians Living Abroad
MDG	Millennium Development Goals
NICT	New information and communication technologies
ONFP	National Office of the Family and Population
OTEF	Tunisian Organization for Education and the Family
PNEA	National Adult Education Programme
UNCITRAL	United Nations Commission for International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNFPA	United Nations Population Fund
UNFT	National Union of Tunisian Women

## Introduction

1. This report describes the principal legislative and practical measures adopted by Tunisia during the period 1999-2007 to reinforce implementation of the CEDAW.
2. This report was prepared in consultation with the following stakeholders: all ministries responsible for issues relating to women's rights, civil society represented by agencies and NGOs, and persons and institutions representing the defenders of women's rights (UNFT, ATFD, ATM, National Chamber of Women Entrepreneurs, Women and Science Association, Women's Association for Sustainable Development, Tunisia 21 Association, Enda Inter-Arab Association, CREDIF), the rights of children and persons with disabilities (Tunisian Association for the Rights of the Child, etc.) as well as parliamentarians, university professors, and others.
3. The report takes into consideration the points raised by the CEDAW Committee in its concluding comments presented on 14 June 2002 during its examination of the third and fourth combined reports of Tunisia (see CEDAW/C/TUN3-4, 2002).
4. The concluding comments of the CEDAW Committee constituted for Tunisia a set of challenges that the State and civil society are trying to address, starting from the principle that the advancement of women is an essential component of integral development, that their rights are indissociable from human rights, and that their progress must be further pursued in the general context of protecting the family and guaranteeing psychological and social balance for individuals and society.
5. Consistent with the national cultural heritage of reform for strengthening women's rights, and the international instruments on women's rights, President Zine El Abidine Ben Ali has over the last two decades consistently pursued a vision of human rights that ensures true equality for all citizens, and active partnership between men and women.
6. The changes made by the CSP (Personal Status Code) promulgated in 1956 (such as the abolition of polygamy and the introduction of judicial divorce), and the various amendments to this code since 1993 (joint management of household affairs, introduction of community of property between spouses, etc.) constitute a fundamental feature of the plan for a modern, balanced and evolving society.
7. Since Tunisia presented its last report to the Committee on 14 July 2002, a new impetus has been given to national policies for promoting the rights of women and gender equality, as a means of consolidating women's gains in the sense of modernity, combating all forms of discrimination against women, and promoting their effective enjoyment of human rights.
8. These efforts should also be viewed in the context of follow-up to the documents emerging from conferences and meetings dealing with gender equality, organized under the aegis of the United Nations during the period covered by this report (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 208).
9. Starting from the conviction that law is a vector of social development, the legal provisions concerning women's rights have been strengthened during the period covered by this report. A number of legislative measures have been taken to combat all forms of discrimination against women and to give greater substance to women's rights. These measures include:
  - Consolidating women's legal capacity and their rights concerning child custody and nationality;

- Promoting women's right to education without discrimination, their right to work and to social security, and their protection in the workplace, and offering them broader possibilities to reconcile family and working life;
- Further steps to combat violence against women by criminalizing all forms of physical or psychological sexual harassment against women.

10. Tunisia has also acceded to international instruments on trafficking in persons and protecting the physical and moral integrity of men and women, including:

- The United Nations Convention against Transnational Organized Crime (2002);
- The Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- The two Optional Protocols to the United Nations Convention on the Rights of the Child, the first concerning the sale of children, child prostitution, and child pornography, and the second relating to the involvement of children in armed conflicts (2002);
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2008).

11. At the same time, a number of institutional measures and mechanisms have been put in place to establish the practical conditions in which women may exercise their right to respect, liberty, dignity, and personal development: in particular:

- The adoption in 2007 of a "National Strategy to prevent violent behaviour in the family and in society: gender-based violence and violence against women throughout the lifecycle";
- Broadening of the prerogatives of the Ministry for Women, the Family, Children and Older Persons (MAFFEPA), in 2002 and 2004, and decentralization of its services;
- Broadening of the composition of the National Council on Women, the Family and Older Persons in 2004 to include partners from civil society, social stakeholders, and national experts recognized for their work in promoting women's rights;
- The creation in 2001 of the "President's Prize" for the best regional programme, project or initiative for the advancement of rural women as a measure to encourage the pooling of efforts to reduce the gaps between urban and rural women;
- The creation in 2001 of a National Commission for the Advancement of Rural Women;
- The institution in 1999 of the "Tahar Haddad prize for balanced portrayal of women in the media", awarded to the printed or audiovisual work that best succeeds in presenting a balanced image of women;
- The effective launch in 1999 of the "support mechanism for women's economic initiatives", which provides technical and financial support to women's micro projects.

12. A number of indicators show that the women's emancipation movement is irreversible:

- For the academic year 2006-2007, girls accounted for 55 per cent of enrolment in secondary school and 59 per cent in higher education;

- The same trends can be seen in the areas of health, poverty reduction, and employment. Women are increasingly spared uncontrolled fertility, and today they represent 25 per cent of the workforce, and as much as 33 per cent of the workforce under the age of 29 years;
- Women represent 43 per cent of workers in manufacturing, 32 per cent in farming and fishing, 34 per cent in journalism, and they account for 29 per cent of judges, 31 per cent of lawyers, 60 per cent of physicians, 72 per cent of pharmacists, 52 per cent of primary school teachers, 48 per cent of high school teachers, and 40 per cent of university instructors;
- The number of women in senior positions of responsibility and decision-making is rising steadily, reflecting a progressive breakthrough for women. They account for 15 per cent of members of the Government, 20 per cent of diplomatic posts, 22.7 per cent of parliamentary deputies (versus 11.5 per cent in 1997), 19 per cent of the Chamber of Councillors, 25 per cent of the Constitutional Council, 27 per cent of municipal council members, and 32 per cent of regional council members.

13. To make these gains irreversible will demand vigilance and great rigour in combating Islamist ideologies and politics of obedience that seek to relegate women to an inferior status as second-class citizens not entitled to equality. The State and all components of society must still pursue efforts to emancipate women further and to bring society securely into the modern age.

### **Articles 1, 2 and 3. The national context: the means available to the State for combating discrimination and promoting women's rights and gender equality**

14. Although the Constitution contains no definition of discrimination against women or any specific wording prohibiting discrimination against them, it has raised the principle of non-discrimination to the status of a constitutional norm with legal supremacy. Thus, article 6 of the Constitution provides that "all citizens have the same rights and the same duties". Moreover, it should be noted that international instruments duly ratified by Tunisia, including the CEDAW, have authority higher than that of laws.

#### **A. The place of the CEDAW in national legislation**

15. In one of its recommendations, the CEDAW Committee requested the State "*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*" and "*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*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 193). In follow-up to this recommendation, Tunisia has strengthened the mechanisms for giving precedence to ratified international instruments over domestic laws, in particular by requiring mandatory referral to the Constitutional Council for a favourable opinion and making international human rights instruments, including the CEDAW, directly enforceable by judges.

##### **A.1. Role of the Constitutional Council (mandatory referral)**

16. The Constitutional Council is responsible for seeing that all draft bills are compliant and compatible with the Constitution, and especially its provisions on fundamental rights. The Council exercises preventive supervision, designed to ensure that draft bills are in conformity with the Constitution and that domestic laws are in conformity with ratified international treaties. The

Council therefore issues a substantiated and binding opinion which is published in the *Official Gazette* of the Republic.

17. This oversight applies only to provisions of the Constitution, of course. But the hierarchical organization of laws is in itself constitutionally ordained. According to article 32 of the Constitution, ratified international treaties have “authority superior to that of laws”. This is an imperative rule that must be respected. It also implies that the constitutionality of proposed laws must be judged from this viewpoint.

#### **A.2. Role of the courts (direct enforcement)**

18. The rule contained in article 32 of the Constitution applies to all, including judges and other the constitutional branches of the State. Given their mandate to enforce legality, judges, including administrative judges, are obliged to take account of treaties and to apply them as soon as they become an integral part of prevailing legislation.

19. The introduction of international instruments into domestic law has sparked numerous debates before the Tunisian courts. In contrast to the traditional view to the effect that the provisions of international conventions ratified and approved create obligations only for States parties, and that they cannot be directly invoked before the domestic courts, the judicial and administrative magistrates have ruled on various occasions that international instruments, including human rights instruments, may be directly invoked by persons subject to the jurisdiction of the courts:

- In a judgment rendered in case 34179 on 27 June 2000, the Court of First Instance of Tunis, ruling on a motion to enforce an Egyptian act of “repudiation”, rejected that motion on the grounds that “repudiation constitutes a traditional and religious form of dissolving a marriage based on the unilateral will of the husband, with no consideration of the interests of the family, and consequently it contradicts the Tunisian legal order as set forth in article 6 of the Constitution and articles 1, 2, 7 and 16 (§§1 and 2) of the 1948 Universal Declaration of Human Right, as well as articles 1, 2 and 16 (c) of the 1979 Convention on the Elimination of All Forms of Discrimination against Women”;
- In an order rendered in case 120 on 6 January 2004 the Court of Appeals of Tunis, ruling on an appeal filed by the Tunisian heirs of a Tunisian woman married in Switzerland to a Belgian citizen, challenging the judgment of first instance that upheld the husband’s motion to annul the death certificate of his wife on the grounds that the certificate did not include his name among the heirs, rejected the appeal and confirmed the judgment of first instance, while dismissing the appellants’ arguments to the effect that a marriage concluded in Switzerland would be null and void because the spouses were in one of the situations of impediment to marriage, namely the ban on marriage between a Muslim and non-Muslim and that hence the husband would have no grounds to be included in the list of heirs entitled to the deceased woman’s succession. In substantiating its decision to reject the appeal, the court maintained, in substance, that “the allegation of an impediment to marriage and consequently to succession founded on religious difference constitutes a violation of article 6 of the Constitution which guarantees the equality of all persons before the law and it introduces a difference of treatment between men, who would enjoy the freedom of marriage with non-Muslims, and women, who would be denied that freedom, as well as a difference of treatment with respect to succession, which violates the freedom of conscience and religion, also guaranteed by the Constitution and by international instruments ratified by Tunisia”;



- In a judgment of first instance rendered in case 16919 on 18 December 1999, the administrative tribunal, citing article 23 of the International Covenant on Civil and Political Rights recognizing the right of men and women of marriageable age to marry and to found a family, annulled as *ultra vires* a decision to dismiss an internal security officer that was taken by the administration on the grounds that the officer had failed to obtain prior authorization for his marriage with a foreign woman as required by article 8 of the General Statute of Internal Security Forces Personnel. The court held that the administration had failed to prove that the case satisfied the grounds for requiring prior authorization, which include the threat of harm to State security.

**B. Measures taken to promote the CEDAW among judges, lawyers and law enforcement officers**

20. In follow-up to the CEDAW Committee's recommendation for "*the intensification of education and training programmes on the Convention to enhance the knowledge of judges, lawyers and law enforcement personnel*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 193), the specialized establishments for training State agents (Superior Institute of the Magistracy, Superior School for Agents of the Penitentiary Administration, School for National Security Agents, and the Superior Bar Institute) are all providing instruction in human rights and fundamental freedoms, including those mentioned in the CEDAW.

21. With respect to training for judges, a decree of the Minister of Justice of 26 June 1993 dealing with human rights instruction in the training and qualification curriculum of the Superior Institute of the Magistracy, provides (article 1) that "training and qualification at the Superior Institute of the Magistracy shall include courses on human rights among its principal subject matters. These courses shall seek to provide knowledge of the international conventions, recommendations and principles of conduct issued by the United Nations and regional human rights organizations and familiarity with the international protection mechanisms and comparative law. These courses and the associated practical exercises, such as mock courts and other educational techniques, shall seek to develop the human meaning of international rules guaranteeing the rights of persons subject to the courts, and the administration of justice."

22. In the context of continuous training for sitting magistrates, the Superior Institute of the Magistracy holds forums and symposiums on issues including human rights, the judiciary and human rights, Tunisia and human rights, women and the law, and women and modernity.

23. Furthermore, the topics dealt with in the end-of-course papers for judicial assessors during the years 2001-2007 included: treaty organs, commentary on article 12 of the Universal Declaration of Human Rights, national and international criteria for fair trials, the Tunisian Constitution and human rights, and international conventions between law and jurisprudence in Tunisia.

24. As part of cooperation by the Ministry of Justice and Human Rights with regional and international institutes specialized in the area of human rights (such as the Arab Institute of Human Rights and the Wellenburg Institute of Human Rights), several magistrates have taken part in training sessions in this field either in Tunisia or abroad (Sweden, Lebanon and Jordan). Thus, some 30 Tunisian magistrates participated, along with colleagues from other Arab countries, in three training courses on the principal international human rights instruments and on the various

mechanisms available for enforcing international rules and provisions in this area. The CEDAW and its Committee were covered in several lectures and workshops on that occasion.

25. The School for National Security Agents and the Senior School for Agents of the Penitentiary Administration also provide instruction in human rights principles for managers and agents of the penitentiary and correctional services, in order to improve relations between security agents and citizens, and the services afforded prisoners.

26. The training courses for national security agents and managers deal in particular with the following aspects of human rights and fundamental freedoms:

- International and domestic mechanisms for the protection of human rights;
- Legislative developments in human rights and fundamental freedoms in Tunisia;
- Rules of conduct for law enforcement officers;
- The guarantee of humane treatment in Tunisian legislation (during preventive arrest and detention);
- Protection of the rights of women, children and older persons.

27. In the same context, the National Prisons and Re-education School holds training sessions and conferences on human rights, targeting prison and re-education managers and agents.

28. With a view to allowing its trainees and students to acquire the legal knowledge needed to fulfil their tasks properly, during the academic year 2007-2008 the National School of Prisons and Re-education scheduled seminars on human rights, alternative sentences, judicial enforcement, and the CPE.

29. When it comes to lawyers, in addition to the subject matter on human rights and fundamental freedoms contained in programmes of the Superior Bar Institute, a number of seminars and symposia are sponsored by the Bar Association dealing with the various international human rights tools, including the CEDAW.

### **C. New legislative developments during the period 1999-2007**

30. In follow-up to the Committee's recommendation in which it "*urges the State party to continue the process of legislative reform and review relevant existing laws in consultation with women's groups*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 191), a number of legislative measures have been taken to combat all forms of discrimination against women and to give greater substance to the rights of women. Recent measures include:

- Law No. 2000-17 of 7 February 2000, repealing article 831 of the Obligations and Contracts Code [COC] which required the husband to give his authorization for his nursing wife to work, as well as article 1481 (2) on bail for the wife, and article 1524 (2) setting the amount of bail for a woman appearing in court alone and without her husband's consent;
- Law No. 2002-4 21 February 2004 amending the Code of Nationality and allowing a Tunisian woman to transmit her nationality to her children upon the death, disappearance or incapacity of the father, which constitutes a step towards removing the reservation on article 9 of the Convention, consistent with the CEDAW Committee's recommendation in which it asks Tunisia to "*expedite the steps necessary for the withdrawal of its reservations*" (see Concluding Comments of the CEDAW Committee: Tunisia, 2002, A/57/38, para. 189);

- Law No. 2002-32 of 12 March 2002 governing the social security regime for certain categories of agricultural and non-agricultural workers, including domestic employees, and instituting a social security regime for them that includes health care and old-age, disability and survivors' pensions;
- Law No. 2263 of 23 July 2002 approving the United Nations Convention against Transnational Organized Crime;
- Law No. 2002-80 of 23 July 2002 on education and school instruction, guaranteeing the right to education for all Tunisians without discrimination based on sex, social origin or religion;
- Law No. 2003-5 of 21 February 2003 approving the Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Law No. 2003-6 of 21 February 2003 approving the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- Law No. 2003-9 of 6 February 2003 approving the Convention creating the Organization of Arab Women;
- Law No. 2003-51 of 7 July 2003 amending and complementing Law No. 1998-75 of 28 October 1988 awarding a patronymic name to children abandoned or of unknown filiation;
- Law No. 2004-73 of 2 August 2004 amending and supplementing the criminal code with respect to punishment of indecent acts and sexual harassment;
- Law No. 2005-32 of 4 April 2005 amending Law No. 65-25 of 1 July 1965 on the status of domestic employees. The principal change introduced by this new law is to prohibit the employment of children under the age of 16 years as domestic employees;
- 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, with a view to "prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work" (article 11.2 of the CEDAW);
- Law No. 2006-69 of 28 October 2006 whereby gifts between ascendants and descendants and between spouses are exempt from the proportional registration duty;
- Law No. 2007-32 of 14 May 2007 amending certain provisions of the Personal Status Code establishing the age of marriage for girls and boys at 18 years;
- Law No. 2008-20 of 4 March 2008 amending certain provisions of the Personal Status Code, entitling a mother with child custody rights, in the case of separation or divorce, to retain custody of her nursing child in the conjugal home, when she has no other lodging, without prejudice to ownership rights, which are guaranteed in all cases;
- Law No. 2008-36 of 9 June 2008 withdrawing declaration 1 and reservations 1 and 3 attached to Law No. 91-91 of 29 November 1991, ratifying the Convention on the Rights of the Child;

- Law No. 2008-58 of 4 August 2008 on the treatment of pregnant and nursing women in detention, providing for the creation of suitably protected spaces for shielding such women while they are pregnant or nursing. The law amends the maximum age of the child (one year) allowed to remain with its mother in prison, so as to guarantee the necessary health and psychological care for the child and the mother. Previously, the age limit was set at three years, a relatively advanced age at which the child is beginning to become aware of its surroundings.

31. In addition, we may mention promulgation of Law No. 2008-35 of 9 June 2008 approving Tunisia's accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as recommended by the CEDAW Committee (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 207). In acceding to the protocol, Tunisia has reaffirmed its intention to ensure that women have full enjoyment of all fundamental rights, under conditions of equality, and to take steps to prevent violation of those rights.

32. Pursuant to the CEDAW Committee's recommendation "*to expedite the steps necessary for the withdrawal of its reservations*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 189), and as Tunisia announced in the presentation of its fifth periodic report to the Human Rights Committee and on the occasion of the discussion of its report before the Human Rights Council (Universal Periodic Examination, April and June 2008), Tunisia has already taken steps to review its position concerning its reservations to the CEDAW. This initiative entails two stages: the first involves legislation, and the second the emancipation of mindsets and preparing society for these changes. In fact, the legislative reforms adopted with respect to the sharing of family assets, bequests between spouses and family members, and in the matter of nationality and minimum age for marriage constitute considerable progress in this field. These reforms have limited the scope of those reservations, as recommended by the Convention bodies, while bringing greater equality to the status of women and respecting the country's civilized heritage. Those reservations, now stripped of their content by the amendments that Tunisia has introduced, do not in any way challenge the basic principles of the CEDAW. To the contrary, the principle of non-discrimination is now enshrined in the Constitution, and laws for the benefit of women and the family are respected and enforced in women's day-to-day life.

33. As well, various NGOs interested in these questions, including UNFT and ATFT, are working on issues relating to women's rights as set forth in the CEDAW, and are organizing meetings and seminars and conducting research studies in various disciplines, including law, sociology and theology.

These initiatives taken together will no doubt contribute to a review of the reservations on the CEDAW in the near future.

#### **D. Institutions and mechanisms for promoting and protecting women's rights**

34. A series of institutional steps have been taken to promote the development and advancement of women and to change practices that discriminate against them. These steps include:

- **The Support Mechanism for Women's Economic Initiatives.** This mechanism provides technical and financial support for women's microprojects, designed to promote individual and group initiatives. It began activities in March 1999 and is managed by MAFFEPA, in cooperation with women's NGOs and community development NGOs working in the field,

which provide coaching and training for beneficiaries through a special, low-interest line of credit extended to these NGOs by the Tunisian Solidarity Bank (BTS);

- **The Tahar Haddad Prize for balanced portrayal of women in the media.** This prize, instituted by decree in May 1999, is awarded to the printed or audiovisual work that best succeeds in presenting a balanced image of women, portraying them as full human beings and citizens with duties and fundamental rights as enshrined in international conventions and domestic legislation;
- **President's Prize for the best regional programme, project or initiative for the advancement of rural women.** Instituted by Decree No. 2001-2310 of 8 October 2001, this prize is awarded as a gold medal and 10,000 dinars to an individual or a public establishment, an NGO or association, a national or regional institution that has contributed directly or indirectly to a programme, project or initiative for the advancement of rural women;
- **National Commission to Monitor the National Plan for the Advancement of Rural Women.** Created by Decree No. 2001-2311 of 8 October 2001, the commission is responsible for implementing plans and programmes for the advancement of rural women. Regional committees were also created by Decree No.2001-2902 of 20 December 2001;
- **Observatory of Information, Training, Documentation and Studies for Protecting the Rights of the Child.** Created by Decree No. 2002-327 of 14 February 2002, this body prepares policies and programmes to promote the rights of children, including girls;
- **Children's Parliament.** Created by law of 17 April 2002 supplementing and amending the CPE, the Children's Parliament is composed of girls and boys in equal proportions. This institution fosters children's initiative, from an early age, without distinction as to sex, and seeks to instil in them a spirit of responsibility and tolerance, a democratic culture, and respect for human rights. Municipal children's councils have also been established in all regions of the country to perform the same function of teaching human rights;
- **Child Protection Officers (*Délégués à la Protection de l'Enfance*).** Such officers are present in all the governorates. Their duty is to intervene in any situation where the health of the child (boy or girl) or its physical or moral integrity is threatened or exposed to danger. Since 2002, these officers have come under the authority of the Protector General of Children (*Délégué Général de la Protection de l'Enfance*), who supervises, coordinates, monitors and evaluates the work of the child protection officers;
- **Broader prerogatives for the MAFFEPA and decentralization of its services.** At the recommendation of the sectoral commission for the "Women in Development Plan", which proposed the creation of regional offices for the MAFFEPA, seven regional districts have been created with a view to optimizing the Ministry's interventions in the regions on behalf of its charges. The Ministry's prerogatives have also been expanded to cover children (in 2002) and older persons (in 2004);
- **Enlargement of the National Council of Women, the Family and Older Persons (CNFFPA).** The advisory body on which MAFFEPA relies for developing partnerships among all governmental and non-governmental stakeholders, the CNFFPA's membership was expanded in 2004 to include partners from civil society, social representatives and national experts recognized for their efforts to promote women's rights;

- Authorization for the **Superior Committee on Human Rights and Fundamental Freedoms**, by law of 16 June 2008, to receive complaints and petitions from citizens on matters relating to human rights. Through its exercise of this prerogative, the Committee can receive complaints and petitions from individuals relating to acts of discrimination against women;
- **The MAFFEPA/NGO partnership.** MAFFEPA works in the field through non-governmental organizations. Contracts relating to individual projects have been signed between the MAFFEPA and several women's NGOs or development NGOs, laying the basis for a fruitful partnership between governmental and non-governmental entities in pursuit of the advancement of women and the family. Several such projects have related to developing women's economic potential, supporting productive activities of rural women, and improving family living conditions in disadvantaged zones. The NGOs receive institutional support to assist women with their economic initiatives.

#### **Article 4. Special temporary measures**

35. Tunisia has continued its efforts to consolidate full equality between women and men in order to institute an active partnership between them. Special temporary measures have been taken to combat discrimination against women and to speed the establishment of de facto equality between women and men.

##### **A. Consolidation of women's civil and political rights**

36. The electoral programmes of President Ben Ali pay particular attention to the advancement of women in public and political life. Point 5 of the 1999-2004 presidential programme, entitled "New Horizons for Women", calls for increasing the presence of women in elected bodies and decision-making positions, where they now account for 20 per cent. Similarly, point 16 of the 2004-2009 presidential programme, entitled "Women, from Equality to Active Partnership", seeks to give a new boost to women's participation in political and public life.

37. The Tunisian authorities have continued to appoint women as representatives in each minister's office. The goal is to reinforce the presence of women in senior positions of the civil service.

38. A 1998 circular issued jointly by the Ministry of the Interior and Local Development and the MAFFEPA encourages governors to appoint at least two women members of each regional Council, in order to strengthen women's presence at the decision-making level in the regions.

39. In implementation of the 11th Development Plan (2007-2011), particular attention has been given to training programmes for women, to encourage their professional advancement and enhance their leadership and management capacities. Continued efforts are being made to reinforce information, communication and awareness programmes to change mentalities, as well as education in a culture of equality and partnership in public life.

##### **B. Promotion of women's economic, social and cultural rights**

40. The National Commission on Women and Development continues to contribute to the preparation of the country's socioeconomic development plans and to present specific strategies that are incorporated into those plans and are designed to integrate women in the different sectors on the basis of a situation report.

41. As part of its efforts to make the gender approach a fundamental component of its planning strategy, the MAFFEPA has designed a five-year project (2007-2011) of cooperation with UNFPA and UNDP for equipping the MAFFEPA with the know-how and the material and technical support needed for the Department and for national and regional institutions under its supervision to mainstream the gender approach. This project includes a component for introducing “gender budgeting” as a financial approach to consolidating equality of opportunity at the national and regional scales.

42. Temporary measures have been adopted to facilitate women’s integration into the country’s professional and economic life. The Tunisian Agency for Vocational Training (ATFP) has provided specific training for some 1,080 girls in 14 rural girls’ centres. The UNFT, for its part, provides training for nearly 6,000 women and girls in 199 training units. Initial and ongoing training for rural girls is also provided by the Agricultural Extension and Training Agency (AVFA).

43. The Support Mechanism for Women’s Economic Initiatives, launched in March 1999, is intended to promote women’s participation in economic life by facilitating access for them to various sources of financing, training and coaching to help them create income-generating activities.

44. Finally, a national strategy to prevent family and social violence was adopted in 2008 with a view to banishing all forms of discrimination against women.

## **Article 5. Combating stereotypes**

45. During the period covered by this report, Tunisia pursued its efforts to change mindsets and behaviour so as to help eliminate stereotypes about women. Great importance has been accorded to all the factors capable of dispensing with stereotypes, and also to the issue of violence, both verbal and physical, through the adoption of appropriate legislative, institutional and cultural measures.

### **A. Educational programmes**

46. In addition to the amendments introduced to the CSP and the COC for reinforcing juridical equality between men and women and establishing a better balance in the spousal relationship, on the basis of the principles of mutual respect, equality, freedom, co-responsibility and partnership in the management of family affairs, Tunisia has made strides to improve the image of women in the media and other publications, and to revise school textbooks.

#### **A.1 Primary and secondary education**

47. The first article of Law No. 2002-80 of 23 July 2002 on education and instruction in the schools provides that “education is a fundamental right that is guaranteed for all Tunisians without discrimination based on sex, social origin, colour or religion”. To this end, clear teaching guidelines have been issued for the authors of school textbooks and children’s books, with a view to eliminating all degrading and disparaging comparisons between women and men and between girls and boys and to highlight the principles of harmony, mutual respect, and sharing of responsibilities, which should prevail in family relationships and in society.

#### **A.2 Higher education**

48. The 191 higher education institutes make use of lectures, courses, directed studies and seminars to teach human rights as part of the effort to combat stereotypes in their various forms. In 2003, the Ministry of Higher Education, Scientific Research and Technology published a work

entitled “Human Rights Education in the Universities: Selected Texts”, the content of which makes clear the Ministry’s determination to promote gender equality and partnership between women and men.

### **A.3 Adult education**

49. The teaching content of the National Adult Education Programme, instituted in 2000, includes general culture courses on civic rights and duties and on national legislation and regulations defining relations between women and men and protecting women’s rights (the Constitution, the CSP, the Labour Code) as well as about the basic rights of women as set forth in international human rights instruments.

### **A.4 Specialized instruction**

50. The specialized institutions responsible for training State officials (Superior Institute of the Magistracy, National School of Administration, School for National Security Agencies, Superior School for Agents of the Penitentiary Administration) offer instruction about human rights in general and about women’s rights in particular.

## **B. Awareness and information programmes**

51. MAFFEPA has launched an awareness campaign for children at all levels of education (preschool, primary, secondary and university), utilizing lectures and debates organized in collaboration with the various ministries and components of civil society. We may cite in particular:

- The workshops for training trainers to provide instruction in women’s human rights, launched in 2006, and a workshop to sound out the opinion of young people on the design of programmes for disseminating women’s rights;
- Programmes conducted during 1999-2007 as part of the national action plans for women, rural women and the family, which placed great importance on research for understanding the practices, attitudes and behaviour of family members and the sociological factors underlying historical and cultural holdovers, to help target interventions and identify partners. These programmes are helping to change mindsets and to encourage a new distribution of roles within the family and society;
- Training programme for journalists on “Gender and the Media”, introduced in the regions in 1996, as part of efforts to track the portrayal of women in the media. The objective is to observe and analyze, through specific studies, the way women are portrayed in the various media, to sensitize journalists in those media to the importance of conveying an objective image that reflects the reality of Tunisian women as full social partners, and to introduce journalists to the notion of gender. The crowning achievement of these programmes was the institution of a gender training programme covering five years (2007-2011).

52. The Tunisian media (television channels, radio stations and the printed press) are contributing to efforts at public dissemination of the values of women’s rights, non-discrimination, and respect for differences. TV and radio spots have been produced and broadcast during the period covered by this report over the various national and regional TV and radio networks. These spots deal with civil behaviour within the family, egalitarian sharing of household tasks, communication as a way of resolving marital disputes, dialogue between parents and teenagers, and cooperation between parents and children in the management of household budgets.



53. This same approach is used in programmes targeted at children. The messages are designed to instil a culture of human rights and combating stereotypes, in the personality and behaviour of children.

### **C. Combating violence against women**

54. The CEDAW Committee requested Tunisia to “*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*” (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 195). In response to this recommendation, Tunisia has taken a number of steps to prevent and contain the violence suffered by women, involving legislative protection, the prevention and elimination of violence against women, public communication and awareness, and the diagnosis of the problem of violence against women.

#### **C.1 Legislative protection**

55. The reforms adopted since 1993, amending articles of the CSP and the CP, represent real progress in combating violence against women.

56. Under Article 31 of the CSP, a woman (or her child) who has been a victim of battery, blows or injuries, even minor ones, at the hands of the father or husband is entitled to sue for divorce on the grounds of the injury suffered and to seek alimony, housing, custody and reparations in cash for moral and material damage caused by the husband.

57. Similarly, article 23 of the CSP provides that “each spouse shall treat the other spouse respectfully, maintain good relations with and avoid causing prejudice to that person” and it institutes new spousal relationships based on complementarity and independence.

58. Thus, the CP grants to the wife the imprescriptible right to life as an individual, and to respect for her physical and mental integrity. Article 218 stipulates that “any individual who, voluntarily, injures, beats or commits any other violence or battery shall be punished by one year of imprisonment and a fine of 1,000 dinars. If the perpetrator is a descendent or spouse of the victim, the penalty shall be two years of imprisonment and 2,000 dinars.”

59. Sisters and daughters are also protected by provisions to repress violence in all its forms, both in the CP and in the CPE, which gives children (boys or girls) greater protection against all forms of violence.

60. Although female circumcision is not practiced in Tunisia, the Tunisian CP, consistent with its preventive approach, criminalizes mutilation of genital organs (article 221), as a grave attack on a person’s physical integrity.

61. In follow-up to the CEDAW Committee's concern "*that no specific legislation has been enacted to combat ... sexual harassment*", (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 194), legislation has now been adopted for this purpose.

62. Law No. 2004-73 of 2 August 2004, amending and supplementing the Penal Code with respect to repression of offences against morality and against sexual harassment, criminalizes any form of physical or mental harassment against women. For the first time in the country's history it introduces an explicit definition of sexual harassment, as "any persistence which embarrasses another person through the repetition of acts, words or gestures likely to prejudice that person's dignity or offend her or his decency and with the aim of causing the said person to submit to the sexual desires of the offender or of a third party, or exerting upon the said person pressure such as to weaken her or his will to resist such approaches".

63. This law punishes sexual harassment with one year of imprisonment and a fine of 3,000 dinars. The penalty is doubled when the offence is committed against a child or other persons particularly exposed because of a mental or physical impediment to resisting harassment.

## **C.2 Prevention programmes**

64. Tunisia's efforts to combat violence against women are not limited to the legislative sphere. The authorities have encouraged governmental institutions and NGOs to establish women's counselling centres and shelters for women in distress. Citizens' relations bureaus have been created in every ministerial department and in all governorates of the Republic to contribute to this effort at listening and awareness-raising.

65. The MAFFEPA citizens' relations bureau constitutes a women's counselling centre involved in all forms of disputes, and staffed by a team of multidisciplinary consultants. This unit, equipped with a voice server, has two lines. The first comprises a database on women's rights, in particular personal status and social coverage. The second takes complaints and petitions from women.

66. Records are kept in hospital emergency rooms and in police stations to identify cases of women who have been victims of violence. A joint circular of the Ministry of Interior and Local Development and the Ministry of Public Health, from 11 November 1995, requests hospital emergency services to report to the authorities any case of violence they admit or treat.

67. Various NGOs and women's associations are involved in combating violence against women and are helping to provide appropriate solutions to this problem by offering shelter and legal advisory services.

68. The UNFT offers free legal advice to rape victims and provides shelter to female victims of violence, along with temporary legal, medical and psychological care, in the "counselling and guidance centres for women in distress".

69. The ATM has also opened at its headquarters a shelter for mothers who are victims of sexual assault or in distress.

70. The ATFD is contributing as well to this effort to combat all forms of violence against women, by taking in women who have been raped or are in distress and offering them psychological and legal services.

71. In addition, the Tunisian Organization for Education and the Family (OTEF) has established a panel of family mediators to intervene in cases of conjugal and family conflict in order to advise the people involved about their rights and duties.

### C.3 Awareness and communication activities

72. Since 2006, the ONFP, with the support of Spanish cooperation, has been pursuing a project to promote gender equity and the prevention of violence against women and to prepare young people to enter married life with greater respect for individual human rights. More specifically, it seeks to:

- Improve understanding of the phenomenon, in order to prevent and contain it more effectively;
- Sensitize public opinion, and in particular the principal stakeholders, to the scope and severity of violence against women;
- Enhance the skills of service providers (health professionals, social workers, police, etc.) for diagnosing and preventing violence and for assisting women who fall victim to it;
- Sensitize young people of both sexes to the phenomenon of violence against women and promote among them a culture that is respectful of individual human rights;
- Strengthen the institutional capacities of the ONFP and its partner NGOs.

73. The project has four dimensions: research; lobbying; information, education and communication (IEC); and training:

- Quantitative and qualitative research to identify the phenomenon and the typology of aggressors and victims, as well as the sources of violence against women. The action-research that the ONFP will undertake on preventing violence against women during 2008 will add to the studies already completed for identifying the phenomenon more closely in order to curb it;
- Lobbying to enlist the support of decision-makers for the project's objectives and to develop a network of resources, upstream and downstream, to provide comprehensive care for women or young persons who are victims of sexual violence;
- IEC to promote among the general public, and among young people in particular, a culture that respects other people and encourages dialogue as a means for overcoming communication problems;
- Training for those on the "front lines", including governmental and non-governmental partners. Psychologists have been recruited and trained in order to work more effectively with victims of violence.

74. A pilot locale ("Daouar Hicher") has been selected for an experiment to develop a care protocol, which will define the roles of all persons involved in providing support: establishing evidence of violence, preparing the initial medical certificate, shelter, assistance in becoming independent, etc.

### C.4 Research

75. The Government and NGOs have undertaken studies and research<sup>1</sup> toward a preliminary diagnosis of the problem of violence against women and for establishing a national strategy to prevent violent behaviour in the family and society.

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<sup>1</sup> UNFT Study on "Spousal Violence", AFTURD study on "Divorce, violence and women's rights", ATFD report on "Discrimination and violence against women in Tunisia", MASSTE study on "the phenomenon of violence in the family and society", a study of the National Youth Observatory on "Verbal Violence".

76. Research to date includes the studies conducted in 2004 by MAFFEPA and the National Youth Observatory which found that exposure to violence is not limited to the poor segments of society, but affects middle-class and wealthy people as well:

- Spousal violence,<sup>2</sup> the repercussions of which extend to children and to other members of the family, is the dominant form;
- Verbal violence and sexual harassment in the workplace<sup>3</sup> are quite widespread;
- Violence, especially against girls, has become commonplace in the streets and in public transport facilities (bus and train).<sup>4</sup>

#### **D. National strategy to prevent violent behaviour in the family and society**

77. Starting from the conviction that violence against women constitutes an intolerable violation of human rights and has become a matter of public urgency, a national strategy to prevent violent behaviour in the family and society was introduced in 2007.

78. This multidimensional and operational strategy is regarded as the most appropriate way for reducing gender-based violence (GBV). It is based on two principal points of reference:

- The founding principles of the Tunisian Republic concerning equality and non-discrimination between women and men;
- The United Nations Declaration on the Elimination of Violence against Women, the wording of which is intended to lay a common basis on GBV: “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (article 1).

79. The preparation of the “National Strategy to prevent violent behaviour in the family and society, gender-based violence, violence against women” was based on testimony from female victims of violence and involved ministerial departments, the Chamber of Deputies, the Chamber of Counsellors and NGOs.

80. A number of obstacles were encountered in preparing the strategy, including:

- Lack of a definition of gender-based violence against women;
- No sharing of data and the results of studies and research;
- Lack of specific data adapted and standardized by sector and institution concerned (police, National Guard, health, social affairs, NGOs etc.).

81. Given the shortage of reliable statistics on violence against women, the strategy seeks first to institutionalize an instrument for surveillance, monitoring and evaluation of GBV, by creating a national database and implementing programmes to combat GBV.

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<sup>2</sup> A survey conducted as part of the 2004 MASSTE study on the phenomenon of violence against women, covering 200 individuals and based on presentations, group work and the analysis of expert opinions, found that 20 per cent to 40 per cent of women suffer sexual assault at the hands of their spouses, and more than 50 per cent face verbal aggression.

<sup>3</sup> In the same study, 20 per cent of respondents recognized the existence of sexual harassment in the workplace.

<sup>4</sup> According to the 2004 study by the National Youth Observatory on verbal violence among Tunisian youth, 45 per cent report GBV in various forms: sexual assault, verbal violence, disrespectful gestures associated or not with vulgar words; 26 per cent of respondents consider this phenomenon to be very widespread and even commonplace.

82. That strategy's objectives and outcomes can be summarized as follows:

- To establish a database and relevant and reliable information for monitoring and evaluating the phenomena of GBV;
- To improve existing mechanisms and reinforce the means for ensuring the physical, mental and social well-being and guaranteeing the security and protection of women throughout their lives, by introducing services and mechanisms to provide appropriate and diversified care;
- To work for the eradication of violent behaviour within the family and society, through community mobilization and social communication for change;
- To help strengthen the capacities and the empowerment of women exposed to GBV;
- To provide high-quality and accessible shelter and care to female victims of GBV;
- To enhance the quality of medical, legal and psychosocial counselling and care;
- To create and integrate counselling centres in health, police, National Guard, social affairs and NGO facilities;
- To create new shelters, sponsored by government and civil society;
- To establish an operational information system.

83. A national survey on the prevalence of GBV in Tunisia will be conducted in 2009.

## **Article 6. Trafficking in women and exploitation of prostitution**

84. This article provides elements of a response to the CEDAW Committee's recommendation "*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*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 197).

85. While human trafficking is not a problem in Tunisia, the country's lawmakers have made unstinting efforts since 1846 to prevent and repress the offence of trafficking in persons. Thus, Tunisia was one of the first countries in the world to abolish slavery in all its forms. An official decree of the Bey (*Décret beylical*) of 23 January 1846 prohibited the exploitation and trafficking of slaves, especially blacks. That prohibition was subsequently reinforced by a criminal penalty: article 4 of an official decree of 29 May 1890 punishes trafficking in persons by imprisonment of three months to three years.

### **A. Tunisia's accession to international standards and conventions**

86. Tunisia has ratified and acceded to several international instruments on trafficking in persons. Pursuant to article 32 of the Tunisian Constitution, duly ratified international instruments take precedence over domestic laws and may be invoked directly by individuals before the courts and government administrations as soon as they are published in the *Official Gazette* of the Tunisian Republic. Among the instruments ratified by Tunisia are the following:

- The United Nations Convention against Transnational Organized Crime (Law No. 2002-63 of 23 July 2002);

- The additional protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Law No. 2003-5 of 21 January 2003);
- The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Law No. 2003-6 of 21 January 2003);
- The two optional protocols to the United Nations Convention on the Rights of the Child, the first concerning the sale of children, child prostitution, and child pornography, and the second relating to the involvement of children in armed conflicts (Law No. 2002-42 of 7 May 2002).

## **B. Domestic legislative measures to prevent and repress trafficking in women and girls and the exploitation of prostitution**

### **B.1 The Child Protection Code (CPE)**

87. The CPE protects girls from all forms of trafficking. This groundbreaking legislative instrument prohibits the economic, sexual or other exploitation of children as well as their involvement in the different forms of organized crime. To ensure better protection for children, as vulnerable persons, it imposes on all individuals, including those bound by professional secrecy, a duty to report to the Child Protection Office any situation that places a child in danger.

88. Article 20 of the CPE defines situations in which the child is considered endangered and in need of special protection, including:

- Habitual mistreatment of the child;
- Sexual exploitation of the child;
- Exploitation of the child in organized crime;
- Exposure of the child to begging and to economic exploitation.

### **B.2 The Penal Code (CP)**

89. The CP protects women and girls against all forms of trafficking, and in particular the following crimes:

- Abduction of a person through use of fraud, violence or threats (article 237);
- Dissimulation or concealment of an abducted person from search (article 240);
- Abandonment of a child (articles 212, 212 bis and 213);
- The habitual mistreatment of children (article 224);
- Sexual abuse of children (articles 227, 227 bis, 228 and 228 bis);
- Sexual abuse committed against children by next of kin or persons who exert moral influence over them (article 229);
- Sexual exploitation of children and their subjection to prostitution (articles 232 and 233);
- Incitement to debauchery or to the corruption of minors (article 234);

- Rape committed with violence, use or threat of weapons (article 227);
- Rape of children and acts of violence leading to death (articles 218 and 208);
- Kidnapping of children and corruption of minors (articles 237 and 238);
- Any offence against morals and decency or against public morality by gesture, word or intentional embarrassment of another (articles 226, 226 bis, 226 ter and 228);
- Ban on the prostitution of adult women outside the legal framework, and punishment of illegal prostitution, even temporary or occasional, by six months to two years of imprisonment and a fine; any person who has sexual relations with any such woman is also deemed an accomplice and liable to the same punishment (article 231);
- Sexual harassment (article 226);
- Confinement (article 250) and procuring (article 232).

90. Article 235 ter of the CP contains an extraterritoriality clause which provides that the penalties stipulated in articles 232, 233 and 234 shall be imposed even if the various acts constituting the crime were perpetrated in different countries. Persons guilty of procuring or inciting minors to debauchery are also liable, by decree or judgment, to a residency ban of two years or more.

91. The Judicial Police (Department of Social Prevention, Office for the Protection of Minors), under the Ministry of the Interior and Local Development, investigates crimes involving the sexual and economic exploitation of children. It is also tasked with combating sex tourism and crimes committed through the use of new technologies, and for supervising and overseeing the work of the judicial police units in the national security structures in the regions.

92. Mention should also be made of Law No. 2004-73 of 2 April 2004, amending and supplementing the Penal Code with regard to the repression of offences against morality and sexual harassment (see article 5 of this report).

### **B.3 The Personal Status Code (CSP)**

93. The CSP prevents the various forms of trafficking in women and girls and their exploitation for prostitution by:

- Establishing the minimum age of marriage;
- Instituting the obligation of each spouse to treat the partner respectfully, to maintain good relations with and to avoid causing prejudice to that person;
- Authorizing divorce at the request of either spouse by reason of prejudice suffered;
- Regulating custody and the conditions for its exercise;
- Consolidating the protection of minors.

### **B.4 Labour legislation**

94. Specific measures have been adopted to prevent forced labour or labour performed by children (particularly girls) in violation of international standards, and Tunisia has ratified all the international labour conventions relating to the protection of children.

95. Domestic legislation governing child labour, including the labour code, draws heavily on the provisions of international labour standards and is based on the same principles for protecting children in the workplace, namely:

- The minimum age of employment in all activities governed by the labour code (industrial, commercial, agricultural etc.) is set at 16 years as a general rule (instead of 15 years). This is the limiting age of compulsory school attendance;
- Medical examination and testing to children's aptitude to perform the work assigned them;
- Ban on night work for children between 14 and 18 years of age for a period of at least 12 consecutive hours, which must include the interval from 10 p.m. to 6 a.m.;
- Protection of the health and safety of child workers;
- Payment of a minimum wage and a paid annual holiday as well as respect for legal working hours;
- Ban on employing children under the age of 18 in work that by its nature or the conditions in which it is performed is likely to compromise their health, safety and morality;
- Respect for the dignity of the child. As well, agricultural establishments are required to see to the maintenance of public morals and decency in all places where children under the age of 16 years are working;
- Ban on employing children in such establishments if they do not have the physical aptitude to perform the tasks assigned to them;
- Ban on employing children under the age of 16 years as domestic employees; this ban previously applied to children of 14 years (Law No. 2005-32 of 4 April 2005).

96. New regulations have been issued pursuant to the labour code to strengthen the protection of children against hazardous work. On 19 January 2000, the Ministry of Social Affairs issued two decrees to this effect: the first sets the types of work in which the employment of children is prohibited, while the second establishes the conditions for granting individual employment authorizations to allow children to appear in public performances or to participate in cinematographic works.

97. Article 86 of Law No. 2004-63 of 27 July 2004 on the protection of personal data makes it a crime to produce, import, possess and disseminate pornographic photos and materials depicting minors or persons in general.

98. Forced or compulsory labour does not exist in Tunisia, in practice, and laws and regulations concerning labour relations in the public and private sectors contain no provisions of any kind authorizing it (as a sanction, a labour discipline measure, a tax, or imposed for works of public interest (*corvée*)). The courts have never examined a case of forced or compulsory labour, and hence there is no jurisprudence in this area. Nor have there been any complaints or claims filed by the labour inspection offices in this regard.

### **C. Judicial protection mechanisms**

99. The Tunisian judicial system guarantees specific protection for victims of trafficking. It provides assistance at the appropriate stages of criminal proceedings against offenders, and measures that offer victims the possibility of reparations for injuries suffered.



100. By way of example, special provisions have been taken to give recourse to the protection institutions for children whose rights have been violated, and for their legal guardians. In the absence of legal guardians, the public defender will take action, in the case of an abandoned child. The Child Protection Office may also turn to the courts in case of need.

101. In all cases, the available means of recourse must result first in urgent protection for the child victim, and subsequently in the prosecution of the offender.

102. Among the specialized institutions to which complaints or reports of violation of a recognized right may be submitted are the family judges, the juvenile judges, the juvenile courts, the office of the Protector General of Children, and the child protection offices.

103. Other institutions for the defence of human rights may also become involved in cases of violation, in particular the institutions of judicial protection, such as the State prosecutor and the cantonal courts.

104. Judicial aid is available to all parties to proceedings if they lack the funds to cover legal costs. This is granted to Tunisian or foreign victims, without distinction as to age, and to applicants for judicial review, as well as for crimes punishable by three years of imprisonment or more. Judicial aid may also be granted in connection with treaties on mutual legal assistance.

105. Law No. 2002-52 of 3 June 2002 on legal aid provides free services of a lawyer for a child who is a victim or in danger and who is involved in criminal or civil proceedings, and covers the costs of calling expert witnesses, and the various missions ordered by the tribunal, as well as enrolment and registration duties and fees, and the stamp tax.

106. It should be noted that, in cases where parents refuse to seek damages and interest for the prejudice caused to the child, the child, if it is 13 years old or older (and therefore deemed to be endowed with judgment under Tunisian law) may, without the assistance of its legal tutor or guardian, take any act that will “enrich” it or free it from an obligation at no cost to the child. On the basis of article 9 of the COC, a child over the age of 13 has standing to sue for reparations.

107. In this context, it should be noted that the competent Tunisian authorities are energetic in investigating and prosecuting acts that involve the worst forms of trafficking in persons.

### Cases involving sexual offences

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Rape	152	124	124	159	144
Offences against decency committed against a minor of less than 15 years without its consent	0	140	91	112	78
Offences against decency	665	304	396	412	404
Sodomy	58	35	83	32	47
Incitement, assistance or facilitation of debauchery or of the corruption of minors	0	7	7	4	4
Clandestine prostitution	385	231	304	238	263
Incitement to debauchery	65	71	57	73	60
Persons who knowingly live with persons habitually engaged in prostitution	0	53	32	13	22
Aiding and abetting prostitution	0	26	17	22	14
Soliciting	177	50	50	84	82
<b>Total</b>	<b>1 502</b>	<b>1 041</b>	<b>1 161</b>	<b>1 149</b>	<b>1 118</b>

**D. Strategy for preventing trafficking in women and girls and their exploitation in prostitution**

108. Tunisia is convinced that laws alone are not enough to put an end to the problem. In addition to the provisions it has adopted to suppress and protect against trafficking in persons, Tunisia is working to implement a strategy to prevent human trafficking by implementing measures to remedy the factors that make people – women and children in particular – vulnerable, such as poverty and lack of equal opportunities. Particular attention is being paid to the country's economically and socially disadvantaged areas in order to attack the underlying causes of human trafficking.

109. Starting from the conviction that poverty, unemployment and lack of access to resources are basic causes of different forms of exploitation, Tunisia has established a preventive mechanism to combat poverty, with particular attention to the weakest social categories and the poorest individuals or those without family support. To this end it is using such mechanisms as the "National Solidarity Fund 26-26", the "National Fund 21-21" for youth employment, the system of permanent and special assistance, economic integration of vulnerable groups, and a system to protect workers laid off for economic reasons.

110. Efforts are also underway to organize awareness campaigns about the sexual exploitation of children, to train qualified staff, and to set up appropriate structures for dealing with difficult situations of this kind. These protection instruments and mechanisms are being widely publicized. There is also an awareness campaign targeted at the national security services and at the courts and prosecutors.

111. Tunisia has also established legally authorized brothels ("houses of tolerance") that are regulated by Government Decree of 30 April 1942, to which a circular from the Ministry of the Interior and Local Development was added on 12 January 1997.

112. Because they are considered a group that poses a high risk to others, prostitutes are eligible for a special health programme. In April 2001 a series of health measures were taken with a view to:

- Submitting authorized prostitutes and the managers of brothels to strict health controls;
- Ensuring that the premises are hygienic;
- Disseminating health education information for the prevention of sexually transmitted diseases and AIDS;
- Facilitating access to the means of protection, including condoms, which are distributed free.

113. Given the importance of the family in Tunisian culture and its deep Arab-Islamic roots, the number of girls working in brothels has dwindled. In 2002, the authorities recorded a number of cases in which licensed prostitutes rejoined mainstream society through work or through marriage.

**E. Measures for re-adaptation and reintegration of trafficking victims**

114. A number of mechanisms are in place to help female victims adapt and reintegrate themselves into society. These include:

**The national strategy for social defence and integration.** This strategy, in place since 1992, is part of a social policy for saving children and young people from all forms of social exclusion, deviance, delinquency, school failure, and economic and sexual exploitation, and for preserving families from dislocation.

Under this strategy, 11 social integration and defence centres have been created, intended to:

- Provide early warning of conditions and situations that could lead to delinquency and social maladjustment;
- Implement an observation strategy for collecting and processing data on the different forms of maladjustment, and multidisciplinary studies in this field;
- Steer individuals in difficulty towards facilities that can help them integrate;
- Contribute to the social and educational adjustment of delinquents or persons at risk of delinquency, monitor them, and provide assistance with their social re-adaptation and reintegration;
- Coordinate the various efforts to help delinquents or persons at risk of delinquency.

These centres are specially equipped to handle individuals and categories at risk of marginalization. They provide various forms of care:

- Education and rehabilitation programme for children and adolescents who have no schooling;
- Psychological care;
- A programme to reinforce families' educational capacities;
- Family mediation and counselling.

**The social protection centre for children.** This centre, instituted by Decree No. 2007-2875 of 12 November 2007, can handle 72 children. It takes in children living in difficult situations and those at risk, identified by family court judges or child protection officers. It provides them with shelter and the essentials of life and offers them medical and psychological care to encourage their social integration. The centre also monitors the children in coordination with the various parties concerned and offers them individualized programmes to assist their family, educational and occupational reintegration.

## **Article 7. Political and public life**

115. The Committee recommended that Tunisia “*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*” (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 199). In response to that recommendation, a number of efforts have been made to give women a greater presence in all areas of political and public life. The number of women in senior positions of responsibility and decision-making has been rising steadily, reflecting a real breakthrough by women.

### **A. The presence of women in government**

116. Women now represent 15 per cent of members of the Government. In 1999, there were two female ministers, one attached to the Prime Minister’s office and responsible for women’s and family affairs, and another responsible for the environment and territorial planning.

117. In 2007, the Government included seven women:

- Minister of Equipment, Housing and Territorial Planning;
- Minister for Women's Affairs, the Family, Children and Older Persons;
- Secretary of State to the Minister of Foreign Affairs, responsible for American and Asian Affairs;
- Secretary of State to the Minister of Women's Affairs, the Family, Children and Older Persons, responsible for Children and Older Persons;
- Secretary of State to the Minister for Social Affairs, Solidarity and Tunisians Living Abroad, responsible for Social Promotion;
- Secretary of State to the Minister of Public Health, responsible for hospitals;
- Secretary of State to the Minister of Communication Technologies, responsible for computerization, the Internet, and free software.

118. Women currently hold 12 per cent of positions in ministerial offices.

119. In May 2004, for the first time in the history of the country, a woman was appointed to the post of Governor.

120. During the period covered by the 11th Development Plan (2007-2011), the goal is to bring the proportion of women in decision-making positions to a minimum of 30 per cent.

#### **B. The presence of women in the legislature**

121. The proportion of women in the legislature has grown steadily from one Parliament to the next. The proportion of female representation in the Chamber of Deputies rose from 11.5 per cent in 1999 to 22.75 per cent in 2007, and women currently account for 19 per cent of the Chamber of Councillors.

122. A woman holds the position of second vice president in the Chamber of Deputies, and another woman is vice president of the Chamber of Councillors.

#### **C. The presence of women in national institutions**

123. Women hold several senior positions, including that of Administrative Mediator and First President of the Audit Court (*Cour des Comptes*).

#### **D. The presence of women in the civil service**

124. Women have entered the senior ranks of the civil service. Women accounted for 23.6 per cent of civil service management positions in 2007, versus 14.01 per cent in 1998.

#### **E. The presence of women in regional and local bodies**

125. Women hold 32 per cent of the seats in the regional councils of the 24 Governorates, following a decision taken in 1999 to strengthen women's participation in public life.

126. The proportion of women on the municipal councils reached 27.7 per cent in 2005.

**F. The presence of women in advisory bodies**

127. Women represent 25 per cent of the membership of the Constitutional Council and 20 per cent of the Economic and Social Council. Women are also represented on the high councils, such as the High Council of the Judiciary (11.76 per cent) and the High Council on Communications (7 per cent).

**G. The presence of women in judicial bodies**

128. In 2007, women accounted for 29 per cent of magistrates and 31 per cent of lawyers. Many women are serving as presidents of cantonal courts and advisers to the courts of appeal and cassation.

**H. Women's activities in political parties**

129. The Constitution guarantees women equal rights with men in all fields. Women account for 26.4 per cent of the Central Committee of the party currently in power, the *Rassemblement constitutionnel démocratique* (RCD).

130. In terms of the governing bodies of the opposition parties:

- The *Parti démocratique progressiste* has a female president;
- The political bureau of the *Parti des verts pour le progress* has four women;
- The political bureau of the *Mouvement des démocrates socialistes* has three women;
- The political bureau of the *Parti de l'unité populaire* has one woman.

131. Recognizing that women's representation is still not sufficient, Tunisia is fully determined to reinforce women's position in political life by increasing their participation in the various bodies and structures, and especially in management and decision-making positions. A number of associations and groups of men and women have been campaigning for several years to achieve gender parity in public office. This pressure led the political parties to put forward more female candidates in the last legislative elections (2004).

**I. The presence of women in labour and business bodies**

132. Article 8 of the Constitution guarantees female workers full rights to join trade unions, at both the local and national levels. In an effort to enhance women's participation in union activities, the Tunisian Union of Industry, Trade and Handicrafts (UTICA), the General Tunisian Labour Union (UGTT) and the Tunisian Union of Agriculture and Fisheries (UTAP) have created, respectively, the National Chamber of Women Entrepreneurs, the National Commission of Female Workers, and the National Federation of Female Agriculture Workers.

**J. The presence of women in civil society**

133. Tunisian women participate actively in associations, clubs and cooperatives, which have done much to consolidate democracy and strengthen the foundations of civil society. Women represented more than a third of the membership of the country's 9,063 associations in 2007. They also hold 21 per cent of leadership positions in associations and in national and professional organizations. Women's involvement in civil society is strategically important on more than one score: they are seeking to prolong and promote female activism and they are working on a daily basis to expand women's rights to full and complete citizenship.

134. The trend of women's participation in decision-making positions in Tunisia over the years reveals persistent disparities in the presence of men and women in many aspects of public and political life, particularly among the opposition parties and national organizations. Consequently, efforts will be reinforced during the period covered by the 11th Development Plan (2007-2011) to step up training programmes for the "political empowerment" of women, together with information, communication and awareness programmes to change mentalities and behaviour and to lay the basis for a culture of equality and partnership between men and women in public life.

## **Article 8. International representation and participation**

135. The regulations governing the civil service in Tunisia do not discriminate against women in any way. Women may represent their country internationally, as diplomats and participants in the work of international and regional organizations, on an equal footing with men.

### **A. Female presence in the Ministry of Foreign Affairs**

136. In response to the CEDAW Committee's recommendation *to take measures to increase the representation of women in high-level decision-making position* (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 199), female representation in positions of responsibility was strengthened over the period covered by this report. Following is the distribution of positions held by women within the Ministry of Foreign Affairs in 2007:

- 1 Secretary of State (for American and Asian affairs), appointed in October 2003;
- 1 Secretary General of the Ministry of Foreign Affairs, appointed in October 2003;
- 3 female ambassadors;
- 1 female head of mission;
- 1 female chargé d'affaires;
- 3 female directors;
- 15 female deputy directors;
- 24 female heads of division.

### **B. Tunisian diplomatic activity for the promotion of women's rights**

#### **B.1 In the Security Council**

137. In the course of its mandate as a non-permanent member of the Security Council for 2000-2001, Tunisia voted in favour of resolution 1325 (2000) on Women, Peace and Security. Tunisia in this way associated itself with other members of the council in:

- Calling on the parties involved in armed conflicts due respect, vigorously and fully, international law relating to the status of women in conflicts;
- Calling for better gender balance in all peacekeeping operations and in the planning of policies, strategies and programmes for achieving peace and security in the world.

## **B.2 In the United Nations General Assembly**

138. During its participation in the work of the United Nations General Assembly, Tunisia has consistently reiterated its support for various initiatives and resolutions promoting the advancement of women on all fronts. It voted in favour of all the relevant resolutions, including those on trafficking in women and girls (2004) and on crimes of honour against women and girls (2004).

139. Tunisia is also pressing for full application of the Beijing Declaration and Platform of Action, and the text adopted at the special session of the General Assembly (2000), entitled “Women 2000: gender equality, development and peace for the twenty-first century”.

## **B.3 In the subsidiary organs of the Economic and Social Council**

140. During its term as a member of the Commission on the Status of Women, for the period 2001-2005, Tunisia co-authored several resolutions, including:

- The elimination of all forms of violence against women, including the crimes defined in the final document of the special General Assembly’s session entitled “Women 2000: gender equality, development and peace for the twenty-first century”;
- Respect for gender equality in all programmes and policies of United Nations agencies

## **B.4 In bilateral and multilateral cooperation**

141. In the Arab world, Tunisia has participated actively in forums and conferences organized since 2003 by the Organization of Arab Women for the elimination of all forms of discrimination against women, the transformation of patriarchal mentalities, empowering women to address their problems, and cooperation among Arab countries to promote the advancement of women.

142. Within Africa, Tunisia has negotiated several agreements with African countries to share with them Tunisian experience in promoting women and the family, including agreements with Burkina Faso, Mali (2001), Benin (2002), Guinea (2002), and Niger (2003).

143. Similarly, Tunisia has pursued its efforts on the multilateral front to consolidate the rights of African women. In this sense, it lobbied the Council of Ministers of the African Union (Durban, June 2002) in favour of better representation for women within the bodies of that organization. It also hosted the third conference of the African Women’s Forum on “women and the management of armed conflicts”, in January 2001, as well as the regional consultations on strategies for accelerating the ratification of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, held in April 2007.

144. In the Mediterranean sphere, Tunisia has participated in:

- The Fifth Forum of Mediterranean Women on the topic “Women, migration and intercultural dialogue” (Athens, October 2003);
- The seminar on “Women’s rights in the Euro-Mediterranean region: laws, religions and traditions” (Strasbourg, October 2003);
- The ministerial conference on strengthening the role of women in society (Istanbul, November 2006);
- The international forum on “Arab and Euro-Mediterranean Women: partnership and development in a changing world” (Malta, February 2007).

145. Tunisia has also concluded a series of bilateral agreements and has established cooperation programmes with Norway, Germany, Sweden, Luxembourg, and the European Union, under which Tunisia has received funding to help implement its national strategy for the advancement of women.

### **C. Presence of Tunisian women in the staff of international and regional bodies**

#### **C.1 In international bodies**

146. In 2007, there were 76 Tunisian women working in international governmental organizations, distributed as follows:

- United Nations Secretariat: 32 employees;
- United Nations Educational, Scientific and Cultural Organization (UNESCO): 10 employees;
- World Bank Group: 10 employees;
- International Monetary Fund: one employee;
- Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization: one employee;
- Organization for the Prohibition of Chemical Weapons: one employee;
- World Health Organization (WHO): four employees;
- International Organization of the Francophonie: one employee;
- United Nations Industrial Development Organization: one employee;
- International Telecommunication Union: one employee;
- Office of the United Nations High Commissioner for Refugees: two employees;
- International Labour Organization: two employees;
- World Intellectual Property Organization: two employees;
- World Trade Organization: two employees;
- International Trade Centre (UNCTAD/WTO): two employees;
- Food and Agriculture Organization of the United Nations (FAO): two employees;
- International Committee of the Red Cross: one employee;
- International Water Management Institute: one employee.

147. Tunisians are members of various international NGOs. Tunisia was elected president of the International Federation of Human Rights Leagues and is also president of the World Association of Women Entrepreneurs. As well, a Tunisian is president of the Foundation for the Future, based in Amman, Jordan.

#### **C.2 In the Arab world**

148. Four Tunisian women are working with Arab bodies:



- A Tunisian woman was elected Secretary-General of the Arab Organization for Communication Technologies;
- A Tunisian woman is president of the Centre for Arab Women Training and Research (CAWTAR);
- A woman is president of the Commission of Independent Arab Experts on Human Rights;
- A Tunisian woman is Secretary-General of the Arab Organization for the Family (OAF).

### **C.3 In Africa**

149. Four Tunisian women are working with the African Union (AU) Commission:

- A Tunisian woman is Permanent Representative of the AU to the United Nations Office at Geneva;
- A Tunisian woman is head of the Women, Gender and Development Directorate;
- A Tunisian woman is head of the Information and Communications Directorate;
- A Tunisian woman has been elected for 2006-2008 as first rapporteur for the Women and Development Committee of the Economic Commission for Africa.

## **Article 9. Nationality**

150. The provisions of the Tunisian Nationality Code ensure full respect of the married woman's legal personality. Thus, marriage with a foreigner or the husband's change of nationality during marriage will not automatically change the woman's nationality, nor render her stateless, nor oblige her to take her husband's nationality.

151. In follow-up to the CEDAW Committee's recommendation *to continue the process of legislative reform* (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 191), a reform has been introduced to remedy certain problems found in the application of article 12 of the Nationality Code, in particular the impossibility for a Tunisian mother to present a joint declaration with her foreign spouse to obtain Tunisian nationality for a child born abroad.

152. By virtue of Law No. 2002-4 of 21 January 2002 amending article 12 of the Tunisian Nationality Code, a woman of Tunisian nationality married to a foreigner now has the right to transmit her nationality to a child from that marriage, born abroad, by making a simple unilateral declaration in case of the death, disappearance or legal incapacity of the father.

153. Promulgation of this law in fact constitutes an important step towards the definitive lifting of the reservation on article 9 (para. 2) of the CEDAW, and the establishment of full equality between men and women with respect to the nationality of their children.

## **Article 10. Education**

154. During the period covered by this report, Tunisia pursued its efforts to promote women's right to education and training without discrimination. Law No. 2002-80 of 23 July 2002 on education and school instruction declares (article 1) that "education is an absolute national priority and instruction is a fundamental right guaranteed to all Tunisians without discrimination based on

sex, social origin, colour or religion". Equal access for all to education, with no discrimination, is not only a right guaranteed by law but a legal obligation that can be enforced through the courts.

## **A. Enrolment rate for girls**

### **A.1 Preschool education**

155. Preschool classes were introduced by Law No. 2002-80 of 23 July 2002 on education and school instruction. Its objective is to develop oral communication skills, senses, psychomotor capacities and a healthy perception of the body and to initiate children to life in society.

156. The number of children registered in preschool classes has risen significantly, from 7,676, of which 3,696 were girls (48.2 per cent) in 2001/2002 to 29,910, of whom 14,346 were girls (40 per cent) in 2006/2007.

### **A.2 Basic and secondary education**

157. For the age group 6 to 11 years, enrolment rates were above 97 per cent for girls and boys alike during the period covered by the report. For the 6-16 age group, the enrolment rate for girls rose from 80.8 per cent in 1999/2000 to 91.1 per cent in 2006/2007, compared to 89.6 per cent and 90 per cent for boys in those years.

158. The enrolment rate for girls ages 12 to 18 years increased from 71.4 per cent in 1999/2000 to 78.7 per cent in 2006/2007.

### **A.3 Higher education**

159. The enrolment rate for girls rose from 19.4 per cent in 1999/2000 to 41 per cent in 2006/2007, compared to 18.8 per cent and 29.1 per cent for boys in those years.

160. Handicapped girls currently account for:

- 41.3 per cent of handicapped children in the regular education system;
- 38 per cent of those registered in special education and training centres; and
- 14.4 per cent of children receiving specialized occupational training.

## **B. Percentage of girls in successive cycles of education**

161. The percentage of girls in the first cycle of basic education rose from 47.4 per cent in 1999/2000 to 47.7 per cent in 2006/2007.

162. In the second cycle of basic education and secondary education, the percentage of girls has been steadily rising, up from 51.1 per cent in 1999/2000 to 53.1 per cent in 2006/2007.

163. In 2006/2007 the proportion of girls in the primary and secondary cycles was 50.44 per cent.

164. In higher education, the proportion of female students increased from 51.9 per cent in 2001/2002 to 59 per cent in 2006/2007.

## **C. Academic success rate for girls**

165. The success rate for female students has been improving steadily from one year to the next at all levels of education.

166. Girls have benefited in particular from improved access to the second cycle of basic education and to secondary education. Since 1998/1998 they have been in the majority.

167. The promotion rate for girls from the first to the second cycle of basic education improved from 78.1 per cent in 1999/2000 to 88 per cent in 2006/2007. For the baccalaureate examination, this rate increased from 61.9 per cent in June 1999 to 64.2 per cent in June 2007, versus 60.6 per cent and 60.2 per cent for boys.

168. At the university level, the graduation rate for girls dropped slightly from 87.8 per cent in 1999/2000 to 86.7 per cent in 2006/2007.

169. The following table shows the graduation rate by type of degree for the university year 2006/2007:

<i>Type of degree</i>	<i>Males</i>	<i>Females</i>	<i>Global</i>
University degree in technological studies	77.1	83.6	80.4
Short cycle	70	78.4	73.5
Master's	58.5	64.4	62.1
Engineer	83.1	90.9	86.8
Specialized diploma (Bac + 5)	77.2	85.1	82
Doctorate in medicine, pharmacology and dentistry	82.2	89.8	87.1
<b>Total</b>	<b>67.4</b>	<b>72.6</b>	<b>70.5</b>

#### **D. Female dropout rate**

170. Besides guaranteeing equal access for all to education, it is an objective of the education system to ensure that all children complete their studies, and to reduce repetition and dropout rates, especially for girls in rural areas and periurban neighbourhoods.

171. To give greater attention and support to children at risk of failing or dropping out of school, the Ministry of Social Affairs, Solidarity and Tunisians Living Abroad (MASSTE) has instituted a programme of "academic social action" that currently covers 40 per cent of schools, i.e. 2,371 academic social action units. This programme provides counselling and material, medical, pedagogical and social attention to pupils and their families, and offer psychological help for pupils with behavioural problems and signs of maladjustment. During the school year 2007-2008 the programme worked with 35,476 pupils, of whom 16,615 were girls.

#### **School dropout rate by sex and cycle**

	<i>First cycle of basic education</i>		<i>Second cycle of basic education</i>		<i>Secondary education</i>	
	<i>1999/2000</i>	<i>2006/2007</i>	<i>1999/2000</i>	<i>2006/2007</i>	<i>1999/2000</i>	<i>2006/2007</i>
Girls	2.6	1.6	7.6	8.2	8.1	9.1
Boys	3.2	2.0	11.8	14.5	11.2	14.4

#### **Dropout rate by sex in higher education (percentage)**

<i>Academic year</i>	<i>1999/2000</i>	<i>2002/2003</i>	<i>2006/2007</i>

Females	1.3	1.3	1.3
Males	1.8	1.7	2.2

### E. Distribution of girls by course of study

172. In secondary school, 64.5 per cent of girls were enrolled in scientific disciplines (mathematics, experimental sciences, economics, management etc.) in 2006/2007, versus 63.5 per cent in 1999/2000.

173. At university, the majority of female students are in the humanities. The presence of females in the scientific streams has certainly improved in recent years, however: their proportion is highest in the life sciences. The following table shows the percentage of girls in the different streams of higher education for the academic year 2006/2007:

<i>Academic year 2006-2007</i>	<i>Total</i>	<i>Girls</i>	<i>Percentage of girls</i>
Management	43 608	29 383	67.4
Languages and applied humanities	28 486	23 655	83.0
Literature and human sciences	29 930	20 124	67.2
Computer science and telecommunications	43 116	18 920	43.9
Law	21 846	14 740	67.5
Health	18 797	12 732	67.7
Economics and quantitative methods	21 798	12 077	55.4
Life sciences	13 790	10 011	72.6
Arts and crafts	13 568	9 322	68.7
Engineering and related technical studies	29 259	8 739	29.9
Physical sciences	15 858	7 358	46.4
Accounting	11 784	7 215	61.2
Agriculture, forestry and fisheries	8 458	5 497	65
Social and behavioural sciences	7 950	5 166	65
Mathematics and statistics	8 998	3 612	40.1
Tourism, recreation, sports and services	7 422	3 041	41
Journalism and information sciences	3 379	2 556	75.6
Architecture and construction	5 644	2 084	36.8
Education sciences	1 794	1 225	68.3
Processing industries	2 140	1 054	49.3
Transportation services	1 494	717	48.0
Teacher training	791	460	58.2
Veterinary medicine	491	239	51.7

### F. Female access to higher education assistance

174. Girls and boys benefit equally from university bursaries and student loans, which are granted according to students' needs and possibilities by the Ministry of Higher Education, Scientific Research and Technology. When it comes to university housing, there is positive discrimination in favour of girls. The following table shows the distribution of students by academic year:

<i>Academic year</i>	<i>1999/2000</i>		<i>2002/2003</i>		<i>2006/2007</i>	
	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>
Student bursaries	21 261	16 800	31 713	39 604	40 176	62 458
Student loans	8 453	7 670	2 588	3 244	2 480	4 124
Student housing	11 265	33 795	15 394	37 689	14 197	42 589

### G. Presence of girls in vocational training

175. The principle of gender equality applies to vocational training. The number of female trainees in the public and private sectors reached 22,877 in 2007, representing 32.98 per cent of the total body of trainees. Girls are to be found in the different training specialties without exception, although in differing proportions, as a function of their choices.

#### Number of trainees in courses leading to a diploma, by gender, 2007

	<i>Males</i>	<i>Females</i>	<i>Total</i>
Tunisian vocational training agency	40 817	17 853	58 670
Agricultural extension and training agency	1 006	244	1 250
Tunisian national office of tourism	1 931	539	2 470
Ministry of Public Health	778	2 055	2 833
Ministry of National Defence	377	107	484
Private institutions	1 587	2 079	3 666
<b>Total</b>	<b>46 496</b>	<b>22 877</b>	<b>69 373</b>

### H. Literacy

176. The CEDAW Committee encouraged Tunisia “to further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women” (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 203). In this regard it may be noted that female illiteracy dropped over the period covered by the report, thanks to various specific actions undertaken to eradicate this phenomenon.

177. A National Adult Education Programme (PNEA) was instituted in 2000 to combat illiteracy, with priority to young people and women in rural areas. The proportion of female beneficiaries of

this programme has risen considerably. In 2006/2007, women represented 79.6 per cent of learners in the programme. As a result, the female illiteracy rate declined from 36 per cent in 1999 to 28.2 per cent in 2006.

178. Over the coming years the PNEA will be expanding its activities to illiterate female workers in businesses and public institutions and will be providing more vocational training for learners, especially for young women.

## **Article 11. Employment**

179. The CEDAW Committee recommended that Tunisia “*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*” (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 201). In response, a number of measures have been taken to promote female human resources and to encourage the further integration of women into the employment market.

### **A. Protection of women in labour matters**

180. Tunisia’s accession to international conventions enshrining equality of opportunity and treatment between the sexes in labour matters reflects a political determination to promote the economic rights of women and to reinforce their inalienable right to work and to be financially independent.

181. Labour legislation in both the public and private sectors explicitly guarantees equality of opportunity in employment, with no discrimination between the sexes, and it protects female workers in their dual capacity as women and mothers, in accordance with international labour standards.

182. The pay schedules attached to the personnel statutes of public enterprises are calculated solely as a function of the worker’s or agent’s category and seniority in each grade, with no reference to sex or to any other discriminatory or subjective criterion.

183. The labour code and the standard collective agreement prohibit discrimination between the sexes and give women access to all types of employment, on an equal footing with men, without discrimination in their classification or pay. In order to protect women’s health, and in the application of international labour standards (International Labour Conventions 45 Underground Work (Women)), women are prohibited from engaging in night work or underground work.

184. Dismissal for pregnancy is prohibited. Existing laws also provide for paid maternity leave, the duration of which varies according to the sector, as well as time-out for breast-feeding.

185. The new measures taken during the period covered by this report to promote and reinforce women’s right to work include the following:

- Law No. 2000-17 of 7 February 2000, repealing certain articles of the Code of Obligations and Contracts and doing away with provisions, now obsolete, that required the husband’s prior approval for his wife to work, and gave him the right to cancel at will any work contract she might have signed with her employer;

- Law No. 2002-32 of 12 March 2002, extending the right to social security to cover certain categories of agricultural and non-agricultural workers, including female domestic employees;
- Law No. 2005-32 of 4 April 2005, amending Law No. 65-25 of 1 July 1965 on the status of household employees, who are in the majority girls and women. That law raised to 16 years the age below which it is prohibited to employ children as domestic workers;
- Law No. 2006-58 of 28 July 2006, establishing a half-time work regime (in the civil service and in public enterprises) for mothers. This allows women to work half-time and to receive two-thirds of their salary, while retaining full rights to promotion, vacation leave, retirement and social coverage. This law aims to “prevent discrimination against women by reason of their marriage or their maternity and to guarantee their effective right to work”. It is a voluntary and temporary measure for women, mothers of young or handicapped children, which not only preserves all their rights but allows them to reconcile their family and work responsibilities, to safeguard the harmony of their family, and to participate in the country’s social cohesion. In this way, the State has taken account of women’s concerns and has responded to an urgent need expressed by women. Since promulgation of this law, 1,500 women have taken advantage of this measure.

186. Moreover, there is legislation lightening the workload for women assigned to heavy work such as moving loads (Decree of the Minister of Social Affairs, Solidarity and Tunisians Living Abroad of 14 February 2007 on the protection of workers engaged in the manual transport of loads).

#### **B. Women’s access to programmes encouraging employment**

187. A number of programmes to encourage employment have been established, targeted particularly at integrating women into economic life. Women accounted on average for 47 per cent of participants in these programmes between 1999 and 2007.

188. In 2007, the proportion of women in employment creation programmes was 51.3 per cent on average, distributed as follows:

- National Employment Fund 21-21 (created in 1999 and intended to equip jobseekers with the skills needed to join the economy): 43.7 per cent;
- *Stage d’Initiation à la Vie Professionnelle* (initial occupational internship programme, SIVP I): 56.2 per cent;
- SIVP II: 68.9 per cent;
- Employment Training Contract (CDF): 46.4 per cent;
- Occupational Integration and Adaptation Fund (FIAP): 62.6 per cent;
- 50 per cent wage subsidy programme: 49.3 per cent;
- Enterprise Creation and Entrepreneurial Training Programme (CEFE): 52.3 per cent;
- Microcredits: 43.9 per cent;
- Tunisian Solidarity Bank (BTS) (created in 1997 to provide microcredits at low interest rates): 38.9 per cent.

#### **C. Labour force, employment and unemployment statistics**

### C.1 Jobseekers, by sex

189. The number of female jobseekers applying to the employment and self-employment offices rose significantly over the period 2000-2007, from 53,805 in 2000 to 264,493 in 2007; in the latter year they accounted for 50.7 per cent of all new employment applications. The proportion of women participating in placement programmes rose from 36 per cent in 2000 to nearly 44 per cent in 2007.

### C.2 Female workforce trends

190. Women's economic activity is steadily evolving. The workforce participation rate of women rose from 22.8 per cent in 1999 to 23.8 per cent in 2003, and to 25.3 per cent in 2007. A breakdown of the workforce by sex over time shows a rising proportion of women, from 25.1 per cent in 1999 to 26.2 per cent in 2003 and to 27.3 per cent in 2007. The employed workforce stood at 3,085,100, of which 2,279,300 were men (73.9 per cent) and 805,800 were women (26.1 per cent).

191. In 2007, the unemployment rate was 17.8 per cent for women and 12.8 per cent for men.

### C.3 Female workforce by level of education

192. The following table shows a declining employment rate for illiterate women, reflecting a drop in the female illiteracy rate and an increase in the employment rate for women with higher education.

#### Structure of the female workforce by level of education (percentages)

	1999	2005
No schooling	25.2	20.8
Primary	32.1	28.2
Secondary	31.0	33.5
Post secondary	11.7	17.5
<b>Total</b>	<b>100</b>	<b>100</b>

*Source:* General Population and Housing Census (1984, 1994, 2004)/National Employment Survey (1989, 1999, 2005), INS.

### C.4 Female employment by sector of activity

193. The trend in female employment by sector of activity over the period 1999-2007 reveals a shrinking proportion of women in farming (from 22.8 per cent to 21 per cent) and in manufacturing (from 36 per cent to 33.3 per cent), and a clear increase in female employment in the services sector (from 39.8 per cent to 44.1 per cent).

### C.5 Female entrepreneurs

194. The number of women running their own business stands at 18,000, of whom 79 per cent have postsecondary education. The sectoral breakdown is as follows: 41 per cent in the services sector, 25 per cent in industry, 22 per cent in commerce, and around 12 per cent in handicrafts.



195. Other figures illustrate women's involvement in the commerce sector:

- Since 2004, women account for roughly 20 per cent of real estate agents;
- In 2007, around 27 per cent of advertising agents were women;
- In 2007, about 70 per cent of the major commercial advertising firms in the country were headed by women.

196. The programme in support of women's economic initiatives remains an important intermediary between financing sources and would-be female entrepreneurs. This programme provides them with training, gives him coaching in the course of realizing their projects, and offers them encouragement and support in accessing microcredit (granted by other institutions).

## **Article 12. Health**

197. During the period covered by this report, Tunisia took all the appropriate steps to eliminate discrimination against women in the health-care field and to put them on an equal footing with men in accessing medical services, including family planning services.

### **A. Promotion of human and material resources**

198. The integrated approach that the country has taken to health facilities has played an important role in improving women's health.

199. 90.6 per cent of local hospitals and primary health-care centres (representing the first resort for women and children to specific services such as pregnancy checkups and normal childbirth, as well as for contraception advice) are now providing curative and preventive care, and integrated maternal-child health and family planning services.

200. In the public sector, health coverage has improved noticeably, with an increase in the number of primary health-care centres to 2,075 in 2006, providing an accessibility rate of 90 per cent in the case of fixed facilities and 100 per cent when mobile services are taken into account. The number of general practitioners and midwives working exclusively in primary health centres stood at 1,699 and 1,246 respectively.

201. Reproductive health services provided by qualified medical and paramedical personnel are becoming increasingly available through a network of 44 fixed and mobile family planning and reproductive health centres and 428 peripheral centres, served by mobile teams.

202. The basic network for handling maternity risks, especially in the countryside, comprises 108 peripheral maternity clinics and local hospitals with a total of 2,613 beds. Specialized care is available in 34 level II maternity wards in the regional hospitals, which constitute the first level of referral for specialized care, versus 29 in 1998. There are 11 university centres, constituting the third level of referral.

203. The apex of the maternal-child health and family planning system is the university hospitals, including the general hospitals and specialized institutes, which offer technically sophisticated and specialized medical attention and all the necessary means of examination.

204. The per capita ratio of midwives is 19.2 per 100,000 inhabitants.

### **B. Reproductive health services**

205. Reproductive health services include the following components: premarital and perinatal medical checkups, controls against anaemia, contraception, early screening for uterine and breast cancer, screening and treatment of sexually transmitted infections, reproductive and sexual health advice for the young, care for menopausal women, treatment of infertility and sterility for married couples, and the prevention of handicaps.

### **B.1 Improving the coverage of perinatal services**

206. The period 1999-2007 saw an improvement in the coverage of perinatal services, thanks in particular to:

- An increase in the number of primary health centres, frontline physicians, and midwives;
- An update of the prenatal module and introduction of a fifth check-up in the fourth month of pregnancy; since 2007, trained staff have been available to conduct screening for diabetes, anaemia and urinary infections in pregnant women;
- Establishment of a system for tracking maternal deaths;
- Since 2004, the curriculum in health science and technology schools has included a perinatal programme;
- Regions where indicators fall short of the national average, namely the governorates of Kasserine, Sidi Bouzid and Kairouan, have been targeted for an integrated strategy of training, information, education, evaluation, monitoring, and supply of equipment;
- Health education for women has been stepped up, to make them aware of the importance of premarital examinations, perinatal checkups, genetic counselling, breast-feeding, assisted childbirth, and the prevention of anaemia;
- Health-care professionals have been sensitized to the issue of perinatal mortality and morbidity, with an evaluation in 2004 of the situation in the regions and the preparation and testing in 2007 of a data collection system.

### **B.2 Information, education and communication activities (IEC) in reproductive health**

207. Reproductive health services are consistently accompanied by IEC activities that make use of various means of mass communication – radio in particular – as well as face-to-face communication through a network of communicators who make home visits, with women as the principal beneficiaries.

208. The health, social education, cultural and professional facilities, as well as the media and associations, are all doing their part to help people adopt sensible behaviour to protect themselves and preserve their health throughout life. IEC activities have reached 749,450 women, representing 89.8 per cent of the total audience (versus 85,078 men).

### **B.3 Reproductive health services for young people**

209. Counselling offices and services in the schools and facilities of ONFP are playing a key role in caring for young people's reproductive health.

210. There are some 500 health clubs, counselling offices and regional consultation centres providing information, awareness and guidance for teenagers. Although these activities target

young people of both sexes, they attract more girls than boys, as the following data for 2006-2007 indicate:

- Visits to counselling units: 1,340 girls (61.16 per cent) versus 851 boys;
- Visits to counselling offices: 5,937 girls (50.15 per cent) versus 5,901 boys.

211. The ONFP has established an education programme combined with sexual and reproductive health services targeted at youngsters who are not in school (awareness sessions in restricted and homogeneous groups, “entertainment education” activities, games, theatre skits, artistic and journalism competitions, individualized support and psychological counselling). NGOs such as the Scouts, *Jeunes médecins sans frontières*, and UNFT participate in these activities. Currently there are 40 counselling units and 11 “youth spaces” serving young people of both sexes. In 2003, 92,000 young people and adolescents received sexual and reproductive health education, and 88 per cent of them were girls. In 2007, this number reached 251,874, of which 70.44 per cent were girls.

#### **B.4 Combating breast and uterine cancer**

212. A cancer screening programme was launched in 2003, and has benefited 425,000 women. A pilot screening programme for breast cancer using mammograms was introduced in September 2003, under which more than 10,000 women have been examined.

213. Between 2001 and 2006, ONFP created three cytology units for detecting uterine cancer. In 2006 there were 20,841 consultations: 12 per cent of women have submitted to uterine cancer screening tests. This rate is only 5 per cent in rural areas, versus 16 per cent in the cities.

#### **B.5 Combating STD and AIDS**

214. In October 2007, the number of HIV/AIDS cases in Tunisia stood at 1,428, and 361 (or 25.3 per cent) of the victims were women. As part of a broader strategic plan 2006-2010 for combating sexually transmitted diseases, a programme has been launched, with support from the Global Fund, to build partnerships and boost responses to the spreading threat of HIV/AIDS in Tunisia. It is primarily preventive in its focus: screening, treatment and psychosocial care and prevention of drug addiction and unprotected sexual relations.

215. The programme is mobilizing players from the public and private sectors and various associations to work with at-risk youth, educated or not, persons living with HIV and their families, and high-risk behaviour groups, including women of childbearing age and recruits.

### **C. Specific health coverage indicators**

#### **C.1 Prenatal surveillance**

216. In 2006, 81.5 per cent of pregnant women were receiving at least one prenatal check-up, and 64.6 per cent were receiving four.

#### **C.2 Postnatal coverage**

217. The postnatal check-up rate is low in comparison with that for prenatal checkups. Nationwide, only one parturient in two receives such care. Among the reasons cited for not availing themselves of this service are the absence of postpartum complications (74 per cent), ignorance of the importance of postnatal checkups (9 per cent), and the cost of the service (7 per cent).

218. The level of education is a more important determinant than location. In the cities, 53.4 per cent of women seek checkups versus 44.5 per cent in the countryside. Those foregoing a postnatal check-up account for 34 per cent of new mothers with a university education, 41 per cent of those with secondary schooling, 43 per cent of those with basic schooling, 52 per cent of those with primary schooling, and 63 per cent of those who are illiterate.

### **C.3 Medically assisted childbirth**

219. The percentage of deliveries unassisted by qualified personnel declined from 9.7 per cent in 2001 to 5.4 per cent in 2006.

### **C.4 Maternal mortality**

220. The introduction between 1999 and 2006 of the system for recording maternal deaths has made it possible to track maternal deaths in public hospitals. Over those seven years, maternal mortality dropped by 24.5 per cent, or 3.6 per cent a year on average, thanks to improved rural living conditions, the work of the National Solidarity Fund, expansion of the prenatal programme and the success of the family planning programme.

221. The maternal mortality rate is estimated at 50 per 100,000 live births. This is well below the target of the International Conference on Population and Development, which was to achieve a maternal mortality rate below 100 deaths per 100,000 live births in 2005.

### **C.5 Infant mortality**

222. The objective set by the Fourth International Conference on Women, to bring the infant mortality rate below 35 per 1,000 live births by the year 2015, has been exceeded in Tunisia since 1999, when the infant mortality rate was 26.2. In 2005, the rate was 20.3 (22 for girls and 25 for boys, while the worldwide level was 81 and 83 respectively).

## **D. Fertility control**

223. The percentage of women using contraception rose from 31 per cent in 1978 to 60.2 per cent in 2006. Regional disparities are shrinking steadily, and illiterate women and rural women alike now exhibit high levels of contraception. In the regions where disparities were found in terms of family planning coverage rates, a specific strategy has brought those rates closer to the national average. The South and Centre West regions, which had rates below the national average, now have rates in excess of 50 per cent. In the Northwest region, the rate was 62.5 per cent in 2006.

224. The synthetic fertility index and life expectancy at birth both reflect the improving situation of women's health:

- The synthetic fertility index (SFI), the final measure of maternity, stood at 1.87 in 2007;
- Life expectancy at birth for women was 75.5 years in 2005.

225. The above indicators show that Tunisia has made remarkable progress both in providing women with health-care services and in improving their health.

226. As to the outlook for all these efforts to consolidate women's right to health, it should be noted that the 11th Development Plan (2007-2011) stresses the need to give greater attention to women's specific health needs by reducing maternal mortality to below 35 per 100,000 live births, assuring 100 per cent assisted childbirth, reducing infant mortality to below 15 per thousand live

births, and neonatal mortality to below 10, bringing the prevalence of iron deficiency anaemia among pregnant women from its current rate of 14 per cent to below 10 per cent, and promoting women's mental health.

## **Article 13. Economic, social and cultural advantages**

227. Economic, social and cultural rights and advantages for women are considered, in the context of broad national options, as essential for promoting the rights of women. The Government believes that the success of its policy for combating discrimination against women implies, among other things, means and structures at the national, regional and local level that will allow women to flourish and to contribute to integral human development.

### **A. Women's access to social and family services**

#### **A.1 Social security**

228. Over the period covered by this report, social coverage was extended to groups not yet covered by the Social Security system (domestic employees in particular, most of whom are women). At the same time the number of female pensioners in the public and private sectors combined rose from 609,678 (or 27.8 per cent of all pensioners) in 1999 to 1,042,676 (or 32 per cent) in 2007.

#### **A.2 Social protection and integration**

229. The CEDAW Committee asked Tunisia *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* (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 205). In this regard, we may note that new mechanisms and new approaches have been implemented since 2004 for achieving the national strategy for social protection and integration.

230. The principal objectives of this strategy are to address vulnerable social groups, with particular attention to the situation of single-parent families headed by an unmarried woman. Generally speaking, such families may be found in all areas and at all levels of education, but are more likely among the relatively disadvantaged social groups. In the capital city alone there were 456 families in this situation in 2004, compared to 384 in 2002.

231. MASSTE offers single mothers a variety of benefits, including free health care, conciliation, family reunification, and assistance with social and economic integration. At Tunis and at Sousse, the ministry has established two social protection and guidance centres with a capacity to serve 45 and 36 individuals, respectively. These centres offer shelter to the homeless and those without family support, together with psychological counselling, medical care and assistance with social and occupational integration. The National Institute for the Protection of Children, part of the MASSTE, who has a special unit that provides counselling, psychological assistance and help with integration for single mothers.

232. Along the same lines, MAFFEPA is working in partnership with several NGOs (*Amel, la Voix de l'enfant* and the *Centre de Protection de l'Enfance*) to improve the social, economic and mental reintegration of single mothers.

233. The measures taken to facilitate the reintegration of single mothers include:

- Encouragement for single mothers not to abandon their children and to avoid recidivism;
- Training (or employment if possible) to fulfil their responsibilities as single parents;
- Encouragement for families to take back their daughter;
- Awareness sessions for other agencies and ministries involved (such as MAFFEPA, Public Health, Education/Information, the media and NGOs) to reach as many regions as possible including economically depressed areas, known as *zones d'ombre* (“dark zones”).

234. It should also be noted that Tunisian law protects children born out of wedlock, and guarantees them the right to a patronymic name. In this sense, Law No. 2003-51 of 7 July 2003 allows a mother to give her own name to a child born out of wedlock. The child’s paternity must be confirmed by genetic analysis (DNA) even if there is not to be a marriage between the biological parents.

### **B. Women’s access to assistance and anti-poverty programmes**

235. The national anti-poverty programme works actively through associations to combat poverty and to lay the basis for integrating vulnerable groups into the economy through appropriate programmes, mechanisms and tools that target both men and women, particularly those living in the “*zones d'ombre*”, isolated rural districts, and periurban areas.

236. Since it was created (and until 2007) the FSN has been active in 1,817 “*zones d'ombre*”, investing a total of 853 million dinars for the benefit of 256,000 families embracing 1,300,000 people, or 12.5 per cent of the Tunisian population. It has helped these people to escape from poverty and isolation and to improve their living conditions, by transforming substandard dwellings into decent and healthful accommodation and bringing in electricity and water supply.

237. The Needy Families Assistance Programme (PAFN) serves 121,000 families, where women represent 53 per cent of the members, and gives priority to helping single-parent families with dependent children, headed by a woman.

238. The number of female beneficiaries of social assistance programmes rose from 106,773 in 1999 to 149,399 in 2007; women accounted for 60 per cent and 62 per cent of the total number of beneficiaries in 1999 and 2007 respectively.

239. NGOs are playing an ever greater role in self-development programmes for women. During the period 1999-2007, women accounted on average for 50.3 per cent of beneficiaries of the “self-development assistance programmes” initiated by the Tunisian Union for Social Solidarity.

### **C. Women’s access to bank loans, mortgages and other forms of credit**

240. The number of women accessing microcredits has been increased by several measures: the microcredit limit has been raised from 1,000 dinars in 1999 to 4,000 dinars in 2004 for productive activities, and from 300 to 500 and subsequently to 700 dinars for improving living conditions; the number of microcredit cooperatives has risen from six in 1999 to more than 271 today; the interest rate has been capped at 5 per cent; and the National Employment Fund’s salary subsidy for co-op loan officers has been extended from three years to five.

241. The FSN and the BTS are especially active in providing microcredit to female promoters of micro projects who have no funds of their own and lack the collateral for conventional bank loans. Under Law No. 99-67 of 15 July 1999, the BTS has created a low-interest line of credit for NGOs

active in this area, as part of a new microcredit programme targeting low-income people and families capable of mounting an economic activity.

242. Over five fiscal years, the BTS financed 70,247 projects (including 21,234 through microcredit cooperatives) for a total amount of 271,500,000 dinars, distributed as follows:

	<i>Number of projects</i>			<i>Amounts</i>		
	<i>Men</i>	<i>Women</i>	<i>Per cent women</i>	<i>Men</i>	<i>Women</i>	<i>Per cent women</i>
BTS	34 381	14 582	29.7	190 666	64 860	25.4
Development associations	13 846	7 438	34.9	10 384	5 579	35
<b>Total</b>	<b>48 227</b>	<b>22 020</b>	<b>31.3</b>	<b>201 250</b>	<b>70 439</b>	<b>25.9</b>

243. In total, women benefited from 31.3 per cent of the projects financed, and 26 per cent of the amounts allocated.

#### **D. Support mechanism for women's economic initiatives**

244. This mechanism was created by MAFFEPA in 1998, under the second "Women and Development" strategy (1997-2001), as a way to enhance women's participation in economic life by facilitating their access to various sources of financing, training, and coaching for creating economic activities that will generate permanent incomes.

245. This mechanism continues to offer technical and institutional support for female entrepreneurs, to build the capacities of project partners for managing microcredits, and to coach female entrepreneurs in the creation and development of economic activities, while fostering an environment conducive to the sharing of experience and expertise, and mutual assistance and learning.

246. This mechanism works primarily with partner NGOs but also targets BTS staff and women in disadvantaged urban and periurban settings.

247. The mechanism carried out its first project ("Support for Female Economic Initiatives") with the support of Canadian cooperation, from 1999 to 2002, for the benefit of 20 partner associations. The second project ("Support for micro-enterprise and female entrepreneurship"), carried out with Swedish cooperation, was wrapped up at the end of March 2009, having benefited eight associations and two professional associations.

248. Activities under this project have focused on:

- Identifying partners for the mechanism;
- Financing project proposals;
- Assisting and supporting the projects financed;
- Conducting thematic studies;
- Organizing and participating in meetings and forums with the various stakeholders.

249. To date, the mechanism has mobilized a total of 372,950 dinars and has provided direct or indirect support to 1,010 women.

## **E. Women's access to recreational, sporting and cultural activities**

### **E.1 Female sports**

250. Various measures are being taken to promote female sports, including:

- The earmarking of 10 per cent of revenue from the National Sports Fund for female sporting associations;
- Greater female presence in the various sporting disciplines and age categories;
- An annual subsidy of 5,000 dinars for each female sporting association;
- Free use of sports facilities for female sports training and competitions;
- Exemption for female sports associations and clubs from the payment of contributions to the sporting federations;
- Promotion of women in decision-making positions in the sporting federations: at least 20 per cent of their executive officers must be women;
- Encouragement for the creation of sports clubs for girls within the schools.

251. The following statistics illustrate the growing presence of women in sports:

- The percentage of women holders of sports diplomas rose from 13.58 per cent in 1999 to 23.97 per cent in 2007;
- Female sporting associations accounted for 10.24 per cent of all sporting associations in 2007, versus 6.13 per cent in 1999;
- The number of women in executive positions in sports organizations rose from 350 in 2004 to 592 in 2007;
- The proportion of girls taking physical education rose from 46.44 per cent in 1999/2000 to 69.15 per cent in 2006/2007;
- 30 per cent of physical education teachers are women.

252. Despite government support, women still face obstacles in access to sports:

- Female sporting associations and clubs are strapped for funds;
- There are not enough women in the executive bodies of sporting organizations;
- Training activities tend to be scheduled late in the day, and this discourages women from participating;
- Girls tend to abandon sports prematurely, for various reasons (marriage, further studies etc.).

### **E.2 Recreational and cultural activities**

- **Cultural promotion**



253. Cultural promotion activities seek to reach all layers of Tunisian society. There is however some specific programming targeting certain social groups, such as youth and women. The number of events targeted at women rose from 909 in 1999 to 1,695 in 2007.

- **Public libraries**

254. The number of women using public library services has been rising steadily, as the following table shows:

**Public library users, by sex**

<i>Year/Sex</i>	<i>1999</i>	<i>2007</i>
Boys	1 585 839	1 669 561
Girls	1 690 688	1 772 832
Men	1 365 806	1 689 556
Women	1 438 724	1 808 490
<b>Total</b>	<b>6 081 057</b>	<b>6 940 439</b>

255. The State supports female authorship by purchasing books written by women. The number of subsidized works published by women rose from 9,820 (for an amount of 51,381 dinars) in 1999 to 47,275 (for an amount of 163,891 dinars) in 2007. The State also supports female authors through a subsidy for paper supplies. The number of works subsidized went from 47 (for an amount of 18,051 dinars) in 1999 to 133 (for an amount of 69,100 dinars) in 2007.

- **Music and dance**

256. There are 55 music ensembles composed of women, including 10 instrumental groups and 45 popular music troupes. The number of women with professional credentials in music and dance (all specialties included) is around 80, or 13.5 per cent of the total.

257. There is a strong female presence in dance and music education. The number of women enrolled in specialized music and dance schools is 2,200, out of a total of 4,200.

- **Cinema**

258. Women have been making progress in the cinema field at all levels: actress, producer, editor, stage manager, screenwriter, etc. Women have also performed remarkably well in cinematographic creation and production. There are currently 11 internationally known female directors, 5 female screenwriters, and 5 private female producers. Some of them have won national and international awards.

259. Laws and regulations governing the cinema industry as a whole apply to all creators regardless of sex.

- **Theatre**

260. Women's involvement in the world of theatre and the dramatic arts has been growing steadily, as the following table illustrates:

	1999	2003	2007
Number of actresses with professional credentials	46	60	142
Number of female managers of private theatre companies	9	26	44
Number of female producers	8	21	43
Number of female playwrights	4	14	15
Number of female stage directors	2	11	10

261. The above statistics relate to women working in artistic aspects only.

- **Leisure and recreation**

262. A national “time budget” survey was conducted to obtain detailed information on how men and women use their time. It found that women have an hour less leisure time than men. Women are able to devote only two hours and 18 minutes (about 9.9 per cent of a 24 hour day) to leisure activities. It also found that men spend a good part of their leisure time in cafés (40 minutes), while women devote a daily average of more than two hours (128 minutes) to watching television.

## **Article 14. Rural women**

263. A number of positive actions targeting rural women were taken during the period covered by this report. The goal is to reduce the gap between men and women living in urban and rural areas, to give them the same chances of success, and to achieve effective equality between men and women regardless of their geographic or social setting.

### **A. The advancement of rural women: a strategic choice**

264. The latest general population and housing census (2004) reports the number of rural women of all ages at 1,758,020, or 35.5 per cent of the total female population. Improving their living conditions, reinforcing their capacities, and consolidating their contribution to building the country remain strategic elements of national development policy.

265. The National Action Plan for the Advancement of Rural Women (PANPER), adopted in December 1998 and effectively launched in 2000, reflects this strategy, constituting an important component of the approach to local and regional development, and bringing with it a new view of women’s place and role in development.

266. In line with the national strategy for “Women and Development” and the guidelines of the ninth (1997-2001), tenth (2002-2006) and eleventh (2007-2011) social and economic development plans, as well as the recommendations from Beijing, the National Action Plan for the Advancement of Rural Women has the overall objective of achieving “effective integration of rural women into the development process”.

267. In 2007, this plan reached 400,000 rural women, compared to 205,350 in 2003, for an increase of 48.66 per cent and involved various programmes in priority areas such as vocational training, income generating activities and micro enterprise, lowering the school dropout rate, promoting reproductive health and maternal and child health.

268. A series of mechanisms for coordinating, monitoring and evaluating this action plan have been introduced:

- A National Commission for the Advancement of Rural Women was created by Decree No. 2001-2311 of 8 October 2001: comprising representatives of the various ministries, governmental organizations and NGOs, and chaired by the Minister of Women's Affairs, the Family, Children and Older Persons, its task is to coordinate, monitor and evaluate the action plan at the national level;
- Regional commissions for the advancement of rural women (CRPFR) were created by Decree No. 2001-2902 of 20 December 2001: in each governorate the Commission is chaired by the governor and includes the regional directors of the departments involved in the action plan as well as representatives of the various NGOs active in rural areas. The CRPFR is supposed to prepare, implement and monitor the regional action plan, in a manner consistent with the guidelines and thrusts of the national action plan.

269. In the same context, the State has created outreach centres (*pôles de rayonnement*) in rural areas, where women of all social backgrounds and all ages can develop and express their potential through cultural and social activities and self-development efforts. These centres are also intended to foster coordination among the various players in local development, support local community efforts, and promote women's participation in the local development process.

270. Between 2004 and 2007, 13 women's outreach centres were established in 12 governorates through partnership agreements with NGOs and bilateral cooperation agencies. These included a pilot centre created in 2004 at Ain El Baya in the Northwest, through a partnership between MAFFEPA and a development NGO. There are 525 families from 14 rural villages now involved in the activities of the centre, and 800 women are taking part regularly in training, social and health education, literacy work and cultural and recreational activities. As well, the centre has given rise to a local development committee, whose members are elected by participating women, and a support and coaching programme has been introduced to help this development committee become a full-fledged association that will take full charge of activities at the centre, as the successor to the NGO that is now running the centre.

271. The encouraging results from this first centre, and the full commitment of local women to the project, have encouraged MAFFEPA to replicate the experiment and establish similar centres in other regions of Tunisia. Some 10,000 people are now involved in the work of the outreach centres.

272. Steps were taken in 2001 to boost the cooperative movement in rural areas and to involve NGOs more closely in fulfilling the objectives of the national action plan for the advancement of rural women. A study of rural cooperatives was commissioned by MAFFEPA in 2004 and produced recommendations for giving NGOs a greater role in involving women in local development. Training sessions and institutional support have also been organized for NGOs, particularly those active in rural areas. Between 2000 and 2004, UNFT created 140 new units to bring services closer to women wherever they are, especially in the countryside, in accordance with the guidelines of the national action plan for rural women.

273. A presidential prize was instituted in 2001 for "the best programme or project or regional initiative for the advancement of rural women". The prize is awarded annually on the occasion of World Rural Women's Day, to individuals, agencies or NGOs that have contributed to promoting and improving conditions for rural women.

274. A technical and institutional support programme was also launched in 2003 to assist planners at the regional level. It focuses on the gender approach to development analysis and planning.

275. Other goals were set in 2007 during a ministerial council meeting devoted to the advancement of rural women:

- Raising the ratio of rural women among microcredit borrowers from 19.9 per cent to 30 per cent by 2011;
- Increasing the funds earmarked for rural women under large-scale integrated agricultural development projects from 1.3 per cent in 2006 to 5 per cent in 2011;
- Establishing a plan to upgrade vocational training for rural girls;
- Lowering the school dropout rate among rural girls and making maternal-child health services more available;
- Making culture and recreational services more available to rural women;
- Encouraging women to take an active role in local professional and community institutions.

276. Other mechanisms supporting the National Action Plan for the Advancement of Rural Women include PNEA, FSN and FNE.

### **B. Improving living conditions for rural women**

277. Thanks to the considerable efforts made under national programmes for water and power supply and housing development, together with the invaluable support of the FSN in the poorest zones (*zones d'ombre*), service coverage rates in rural areas recorded a significant increase in 2006, rising to 90.6 per cent in the case of drinking water and 98.5 per cent for electricity. At the same time, the use of gas as the main cooking fuel now stands at 98.2 per cent.

278. Similar progress has been made in terms of housing and domestic conveniences. According to the last general population and housing census in 2004, the ratio of substandard housing fell from 1.2 per cent in 1999 to 0.8 per cent in 2004. Moreover, in 2004, 90.2 per cent of Tunisian households, countrywide, had a television set and more than half of households (46.8 per cent) had satellite TV service bringing in foreign programming. In addition, 39 per cent of rural households have a mobile or fixed-line telephone.

### **C. Social and health services for rural women**

279. Social services are generalized and available to all social categories, including rural women, without distinction as to sex.

280. The number of primary health-care centres offering prenatal checkups and family planning services rose from 2,052 in 2003 to 2,075 in 2006, representing an accessibility rate of 90 per cent for fixed facilities and 100 per cent when account is taken of the mobile services that address the needs of rural people, and women in particular, in sparsely populated areas.

281. The FSN has created 139 primary health-care centres in the "*zones d'ombre*", and has equipped them with the necessary material and human resources. The national health programmes have also instituted a strategy that uses local female communicators to make women in their community aware of the importance of visiting the health centres and mobile networks for checkups. As a result, more rural women are now receiving maternal health and family planning services.

282. The FSN is now providing prenatal, postnatal, gynaecological and family planning services in 800 health zones: 294 of these zones have primary health centres, another 378 have mobile teams, and 137 zones have a health facility available within 5 km.

283. Despite the effort Tunisia has made to generalize health services in all parts of the country, there are still discrepancies between rural and urban indicators.

284. The following data reflect the trend in health coverage indicators in urban and rural areas:

- The ratio of unassisted childbirths dropped from 20.3 per cent in 2001 to 11 per cent in 2006 in rural areas, compared to 9.7 per cent and 5.4 per cent respectively in the cities;
- In 2006, 53.4 per cent of urban women had a postnatal check-up, versus 44.5 per cent of rural women;
- In 2006, 51.4 per cent of rural women had four prenatal checkups, versus 72.6 in the cities;
- In 2006, an analysis of IEC activities in reproductive health found that two thirds of beneficiaries (66 per cent) were living in a municipality, 18.4 per cent outside a municipality, and 15 per cent in rural “*zones d’ombre*”;
- In 2007, the synthetic fertility index (SFI) was 1.5 in the towns and 2.6 in the countryside;
- The prevalence of contraception has improved considerably nationwide, and the rural-urban gap has been narrowed. In 2006, the rural ratio was 57.8 per cent and the urban 60.2 per cent.

285. Women face both geographic and economic obstacles in accessing health services in the governorates of the Centre West. For example, the ratio of childbirths in maternity clinics is still low, especially in Sidi Bouzid (78.2 per cent) and in Kasserine (70 per cent). To overcome these difficulties, the Ministry of Public Health and its institutions (including ONFP) has drawn up an intervention plan in the governorates of Kasserine, Sidi Bouzid, Kairouan, Tataouine, Médnine and Gafsa. There, 25 districts with low perinatal coverage rates have been identified for special intervention. To this end, ONFP has already mobilized additional resources to enhance the supply and use of services in these governorates.

286. The 11th Development Plan (2007-2011) calls for achieving an urban and rural coverage rate of 80 per cent for women receiving four prenatal checkups and 100 per cent for assisted childbirth. It also calls for implementing a national strategy targeting the regions where maternal health indicators are less than satisfactory.

#### **D. Education and training for rural women and girls**

287. The enrolment rate and the length of schooling for rural girls have improved as a result of reforms to the school system (Law No. 2002-80 of 23 July 2002), the expansion of the school network, the rearrangement of the school timetable to accommodate rural needs, and the development of school transport services.

288. The enrolment rate for rural girls in the 6-14 age bracket rose from 77.8 per cent in 1994 to 94.4 per cent in 2007 (and jumped by 23.12 per cent between 1989 and 2007).

289. The strategic plan to reduce the school dropout rate is using a combination of pedagogical and social measures targeted at pupils, teachers and educational institutions, including the enhancement of school conditions, the establishment of school transportation services, and the creation of school canteens and dormitories in rural areas where indicators fall below the national average.

290. Twenty mobile units were created in rural schools between 2005 and 2008 under the programme for social action in the schools, and during the academic year 2007/2008 they served 4,075 pupils, of which 1,854 were girls.

291. The difficulty in producing accurate statistics on the rural school dropout rate was one reason behind a new training programme in gender diagnosis, analysis and planning, launched by MAFFEPA for members of the regional commissions for the advancement of rural women.

292. The CEDAW Committee encouraged Tunisia *to further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women* (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 203). The illiteracy rate among rural women has dropped, primarily as a result of introduction of the PNEA in 2000, and the various activities pursued by other agencies, in particular UNFT, under the National Action Plan for the Advancement of Rural Women.

293. Of the population served by PNEA, 54 per cent is rural and 77 per cent of those people are women. The increase in the numbers of adult education centres, the diversification of teaching methods and their adaptation to the circumstances of rural women have contributed to a seven-percentage-point decline in illiteracy among rural women, which fell from 53.2 per cent in 1999 to 46.4 per cent in 2004, according to the 2004 general population and housing census.

294. When it comes to training, a series of measures were taken between 2001 and 2007 to rehabilitate and upgrade 41 of the 84 UNFT training centres for rural girls.

295. In 2004 work began on upgrading the first four training centres for rural girls, in four different regions. By the end of 2009, 20 of the 41 training centres identified as priorities will have been upgraded.

296. A partnership agreement between MAFFEPA and UNFT was signed in August 2007 with a view to mounting joint programmes for the advancement of rural girls and women, facilitating their social and economic integration, and giving them an effective role in local development.

297. In addition, the 14 training centres for rural girls run by the Tunisian Agency for Vocational Training, which have space for 1,200 trainees, are providing diversified training adapted to the different educational levels of rural girls as well as to the regional economic situation and potential.

298. The women's programme prepared under the World Bank agricultural research and extension project launched in 1992 continues to provide technical and managerial advice and training through professional agricultural training centres and specialized workshops designed to meet the needs of rural women. The programme targets four groups – farmwives, women running their own farms, the daughters of farmers, and female farm workers – in 10 regions of the North, Centre and South of the country.

299. Statistics emerging from the periodic evaluation of the Action Plan for the Advancement of Rural Women, covering the period 2003-2005, show that 8,268 rural women have participated in agricultural training activities.

## **E. The presence of rural women in agriculture and manufacturing**

### **E.1 Agriculture**

300. In 2007, there were 3,000 agricultural project headed by women, receiving 21 per cent of the total credits allocated. There are now 30,000 female farm owners, representing 6.4 per cent of all farmers. Women account for 58 per cent of full-time farm labourers.

## **E.2 Manufacturing industries**

301. Rural women account for 34.9 per cent of manufacturing workers, according to the 2004 general population and housing census.

## **F. Project financing for rural women**

302. Statistics emerging from the periodic evaluation of the Action Plan for the Advancement of Rural Women, covering the period 2003-2005, show that 62,644 rural women participated in awareness, coaching and information programmes relating to training and financing opportunities in 2004. In 2005, these programmes were expanded to cover 242,002 rural women.

303. Women have benefited from 31.3 per cent of projects financed and 26 per cent of amounts allocated by the BTS (created in 1997) over a five-year period. Rural women have accounted for 30 per cent of the loans to women. In 2007, the BTS financed 2,816 loans for rural women, totalling 30.5 million dinars.

304. In 2007, development associations extended 14,070 microcredits to rural women, totalling 12,443,000 dinars. The proportion going to rural women rose from 19.9 per cent in 2006 to 22 per cent in 2007, primarily in the Centre West (3,011 credits for a total value of 2,669,000 dinars).

305. In support of the National Plan for the Advancement of Rural Women, it was decided in 2007 to raise from 1.3 per cent to 5 per cent the volume of credits allocated to rural women in the context of integrated agricultural projects.

306. The empowerment of rural women, through the ability to create their own income-generating activity, has sparked a change in family relationships: a greater proportion of women are now managing the family's affairs (54.9 per cent of cases), women are now more open to the outside world (63.4 per cent of cases), and they have acquired greater self-confidence (84.8 per cent of cases). Having won greater respect within the family because of their economic and social contribution, rural women who are economically productive are less likely to suffer physical and psychological violence.

## **G. Rural women's access to marketing channels**

307. Providing access to supply and marketing channels is an essential element in helping rural women develop their productive activities on a sustainable basis.

308. The National Action Plan for rural women contains a number of measures to enhance rural women's access to supply and marketing channels. Since 1998 the MAFFEPA, in cooperation with the National Office of Artisans, has been hosting the "Female Artisans' Forum", which gives rural women a chance both to market their wares and to gain recognition of their contribution to the country's economic development.

309. More than 11,000 female artisans, most of them from rural areas, took part in the activities of this forum between 1999 and 2007. In addition to an exhibition space, the forum offers the women training and awareness sessions on project management, product quality, marketing, networking and e-commerce. They can also receive guidance on how to access support and financing mechanisms.

310. The 11th Social and Economic Development Plan (2007-2011) calls for revising the financing arrangements of the National Action Plan for the Advancement of Rural Women to make them more efficient and to achieve national objectives for integrating rural women into the development process.

## Article 15. Equality before the law

311. Tunisian legislation today responds to a very broad range of women's aspirations. There are also numerous institutional mechanisms to reduce the gap between the sexes and to give men and women the same opportunities for success.

### A. Identical legal capacity

312. Upon reaching the age of majority (20 years), men and women enjoy the full exercise of their rights and assume their full responsibilities without any discrimination. Like men, women have the right to go to court for all matters concerning their personal status, civil and commercial acts, with the exception of the legal disqualifications provided by law, which are equally applicable to men and women (cf. previous reports of Tunisia).

313. In follow-up to the CEDAW Committee's recommendation "*to continue the process of legislative reform*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 191), the COC and the CSP have been amended to reinforce women's legal capacity.

314. The amendment introduced by Law No. 2000-17 of 7 February 2000 repealed the COC provisions requiring the husband's prior approval for his wife to conclude a contract, and gave all women full rights to sign contracts, and to buy, sell and dispose of their property.

315. By means of Law No. 2007-32 of 14 May 2007, Parliament recognized the capacity of both sexes to assume their civic rights by amending the provisions of article 5 of the CSP, which read in part "... a man may not contract marriage before the age of 20 years, and a woman before the age of 17 years". That sentence now reads "... neither of the future spouses may contract marriage before the age of 18 years".

### B. Guarantees for women before the courts

316. Tunisian law gives great importance to the status of women involved in court proceedings. They enjoy several guarantees at all stages of civil or penal proceedings. The following table traces developments in legal aid available to women bringing suit for divorce or child custody or, indeed, as victims of spousal violence.

#### Requests for legal aid

Requests	Judicial year				
	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
Requests submitted	6 694	7 199	6 872	6 022	6 064
Requests granted	5 211	5 085	4 350	3 789	4 255

### C. Freedom of movement and choice of residence



317. Tunisian law enshrines the principle of cohabitation between spouses and the principle of equality in selecting the conjugal home. Women and husbands are to agree in selecting the place of their family residence. The woman is subject to no duty of obedience to the unilateral will of the husband as head of the family. If the spouses cannot reach agreement, the courts will decide the matter by applying the criteria of the interests of the family and the higher interest of the child.

318. If the husband insists on changing residence for the sole purpose of harming his wife and frustrating the exercise of her legitimate rights (education or work, for example) she may sue for divorce on the basis of the injury the husband has caused her (article 31 of the CSP) by failing in his obligation to treat her benevolently (article 23 of the CSP). She may even demand reparation for the moral and material damages caused by this behaviour, which frustrates the development of her individuality.

### **Article 16. Matrimonial and family rights**

319. Tunisia has brought itself squarely into the modern age through the steps taken during the period covered by this report to consolidate matrimonial and family rights. The reforms undertaken in this direction have all served to speed the evolution of the status of women.

#### **A. Legislation: equality in partnership between spouses**

320. Tunisian law seeks to give effect to the principles of equality and of partnership between men and women both in the pre-matrimonial period and during their married life or in case of separation.

321. The CSP enshrines the right to the return of gifts exchanged between the spouses during the engagement or prior to the marriage, a right that applies equally to both partners. It also requires that the marriage contract must be concluded in an authentic manner before two notaries or the civil registrar, and that it may be dissolved only by a court decision.

322. Legal age of marriage. Law No. 2007-32 of 14 May 2007, amending the CSP, has unified the minimum age of marriage, setting it at 18 years for both sexes.

323. The CSP has introduced the obligation of cooperation between the spouses in all matters relating to management of the family's affairs and the upbringing of the children. Thus, the wife will assist the family financially if she has her own resources.

324. However, this condition that the wife contributes to family expenses in no way diminishes her right to free disposal of her property acquired during the marriage, a right that she enjoys on the same footing as her husband. The community of property regime (optional and fully voluntary), instituted by Law No. 98-91 of 9 November 1998, has served to strengthen the rights of married women when it comes to the acquisition of property.

325. Partnership between men and women in the upbringing of their children. The mother has the same rights as the father in decisions relating to the raising of the children and to their property, i.e. their proper upbringing, their education, their movements and their financial transactions. Moreover, the marriage of a minor child is subordinate to the consent of its guardian and its mother. The mother is jointly liable with the father for any offences committed by their children.

326. The two spouses are free to choose the number and spacing of their children. These advances have been reinforced by Law No. 2001-93 of 7 August 2001 on reproductive medicine, which gives both spouses the right to resort to new methods of medically assisted procreation, based on respect for the physical integrity and dignity of the individual. This new legislative measure will allow a woman to overcome sterility and to enjoy her right to maternity.

## **B. Institutional guarantees of spousal rights**

327. Law No. 2006-58 of 28 July 2006 expanded the possibilities for mothers of young or handicapped children to reconcile their family and working life. It instituted a special regime of half-time work with two-thirds salary for mothers, who are allowed to retain their rights to advancement, promotion, holidays and social coverage. This is a voluntary and provisional measure in response to a need expressed by women themselves.

328. To accord greater protection to the family bond, Law No. 2006-10 of 6 March 2006 enshrines the right of grandparents to visit their grandchildren. The law provides that “if one of the child’s parents dies, its grandparents may exercise visiting rights. The family court will decide the matter in light of the interests of the child.”

329. In addition, the period covered by this report saw the widespread introduction of special court facilities for handling family and childhood matters, in order to preserve the dignity of children and protect the privacy of family and conjugal affairs.

330. Dissolution of marriage. The CSP has instituted true legal and judicial equality between the spouses when it comes to grounds for divorce, procedures, and effects of separation. It has in fact introduced positive discrimination in favour of the woman, who upon divorce may opt for reparation of material damages in the form of a life annuity, payable for the rest of her life or until the death of the liable ex-spouse.

331. In this context, Law No. 2008-2004 March 2008, amending the CSP, entitles a mother with child custody rights to retain custody of her nursing child in the conjugal home, when she has no other lodging, without prejudice to ownership rights, which are guaranteed in all cases.

332. To protect the respective rights of the spouses, Tunisian law assigns divorce matters to family judges (magistrates specialized in the law of personal status), who will attempt conciliation, order urgent measures, and see that preliminary proceedings are properly handled. In order to protect minor children and guarantee their right to a balanced family life, even if their parents separate, the law allows the family judge to call upon the services of a family mediator.

333. If the judge’s mandatory conciliation attempt fails, the judge will order urgent measures with respect to alimony and will set its amount.

334. The Alimony and Divorce Pension Guaranty Fund, created in 1998, had provided benefits to 9,735 families as of 2007.

335. The succession rights of Tunisian women have been significantly improved with the introduction of several legislative mechanisms, such as the “*retour*” (reversion) which allows a daughter to inherit the full estate if there is no male heir of the same rank. The second mechanism involves a mandatory bequest regime, whereby the children of a predeceased son or daughter are entitled to that deceased son’s or daughter’s share in the estate of the grandparent, up to a third of the total estate. Orphaned granddaughters thus benefit from this legislative provision without any discrimination vis-à-vis the deceased parents and grandparents.

336. The third mechanism concerns the community of property regime (instituted by Law No. 98-97 of 9 November 1998), which promotes the holding of property in partnership between husband and wife.

## **Recommendations from civil society**

337. The national consultations undertaken with stakeholders during preparation of this report involved a great number of national agencies and NGOs. During the consultations these stakeholders highlighted the need to go further in consolidating women's advances. Their principal recommendations were the following:

- Improve interaction between NGOs working in this field, court officers, and the agencies responsible for health, education, social policy and the police, in order to institute coordinated action to deal with violence against women;
- Promote awareness, information and prevention with respect to sexual harassment in the workplace or in relation to work or in any other place, and take all steps needed to protect women against such behaviour;
- Have the media carry messages relating to stereotypes and sexism;
- Recognize male violence against women as a major social problem and encourage men to take an active part in combating violence against women;
- Devote more efforts to mainstreaming the gender approach so as to identify and correct the persistent gaps and inequalities between men and women;
- Create partnership between the legislative and executive branches and civil society in mainstreaming the gender approach at all stages of preparing and implementing development policies.

## **Outlook**

338. The action plan prepared in the context of the 11th Development Plan (2007-2011) will help to:

- Give women a more active and effective role in all fields;
- Reinforce women's potential to contribute to the national economy through their resources and their human capacities;
- Enhance women's know-how through stepped-up training programmes;
- Facilitate women's access to new technologies;
- Strengthen women's presence in the labour market and lead them towards self-employment and entrepreneurship;
- Raise to at least 30 per cent the proportion of women in management and decision-making bodies;
- Develop mechanisms allowing women to reconcile family and working life;
- Improve female-specific health indicators in urban and rural areas;
- Mainstream the gender approach in local and regional development programmes;
- Reduce school dropout rates and illiteracy rates among rural women and girls;
- Pay more attention to women with specific needs.

## Challenges

339. Tunisia is firmly committed to promoting and protecting the rights of women and to combating all forms of discrimination against women. At the same time it recognizes that the progress made to date needs to be further consolidated as part of an ongoing process in which a constant balance must be struck between two diverging concerns:

- On one hand, the political will and the firm commitment of the State and of all components of civil society to pool their efforts to maintain and reinforce all the advances made in implementing the Convention on the Elimination of All Forms of Discrimination against Women, in the context of a modern, open and tolerant society. Tunisia gives assurance that it is committed to this route – first of all, by rejecting any temptation to rest on its laurels, recognizing that in this area nothing is ever definitively achieved. The Government is therefore focusing its efforts on promoting a culture and a pedagogy of women’s rights, and the universal values that underlie them, on the broadest possible scale;
- On the other hand, the real challenges inherent in the threats posed by mounting instances of terrorism, extremism, fanaticism, intolerance, racism and xenophobia in all their forms, and the risk that poverty will be exacerbated through the perverse effects of economic globalization. These challenges pose a threat to the combined efforts of government and civil society to promote and protect the full range of human rights in general and women’s rights in particular.

## Conclusion

340. The development strategy that Tunisia has pursued over the period covered by this report regards women not only as a fundamental vector for preserving social cohesion but also as a key player in achieving that strategy’s various objections, which require mobilizing all the country’s resources and all its players.

341. Thus, Tunisian women today have an increasingly important place in all realms and all sectors of activity, and they are playing a central role in consolidating global and sustainable development. During the period covered by this report, the reinforcement of women’s place and role has reflected a political will that has made the empowerment of women and their active participation in development one of the essential components of its societal model. Women are asserting themselves as real stakeholders who are broadly engaged in building an open, tolerant, balanced, caring and modern society.

342. Female students already outnumber males in the country’s higher education institutions (around 60 per cent) and, overall, girls are achieving excellent results at other levels of education. Consequently, women are bound to be more broadly represented in all fields, especially in politics, which means that they will be taking a part in shaping the country’s future. Women are also expected to assume their proper place in the vanguard of progress and to shoulder their full responsibilities so as to reinforce Tunisia’s capacities for development and help protect against the uncertainties and challenges of the new millennium that all countries now face, whether they are rich, poor, or developing.

343. Vector of development, factor for balance and stability in the family, safeguard against cultural backsliding and religious obscurantism – on all these fronts, women will have to assume their emancipation, their liberty, and their self-affirmation.

344. The political, economic, social and cultural achievements recorded, and the legislative and institutional measures taken during the period covered by this report, have integrated women more closely into the economic circuit, reinforced their status as active partners in the development process, given them greater access to decision-making positions, and consolidated their role as citizens in public and political life.

345. Tunisia is determined to pursue its efforts to carry women's advancement even further and to bring Tunisian society more firmly into the modern age.

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