



Convention on the Rights of Persons with Disabilities

Distr.: General
14 July 2010
English
Original: Arabic

Committee on the Rights of Persons with Disabilities

Implementation of the International Convention on the Rights of Persons with Disabilities

**Initial report submitted by States parties under article 35
of the Covenant**

Tunisia*

[1 July 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–7	4
II. Implementation of the Convention.	8–9	7
III. Measures taken to harmonize domestic law and policy with the Convention	10–20	7
Article 4: General obligations.	16–20	9
IV. General provisions.	21–30	10
V. Realization of rights and freedoms	31–43	11
Article 5: Equality and non-discrimination	44–48	14
Article 6: Women with disabilities.	49–57	15
Article 7: Children with disabilities	58–64	16
Article 8: Awareness-raising.	65–73	17
Article 9: Accessibility	74–81	18
Article 10: Right to life.	82–86	19
Article 11: Situations of risk and humanitarian emergencies.	87–90	19
Article 12: Equal recognition before the law.	91–100	20
Article 13: Access to justice	101–103	21
Article 14: Liberty and security of person.	104–108	22
Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment	109–110	23
Article 16: Freedom from exploitation, violence and abuse.	111–116	23
Article 17: Protecting the integrity of the person	117	25
Article 18: Liberty of movement and nationality	118–123	25
Article 19: Living independently and being included in the community	124–127	25
Article 20: Personal mobility	128–135	26
Article 21: Freedom of expression and opinion, and access to information.	136–148	28
Article 22: Respect for privacy	149–152	30
Article 23: Respect for home and the family.	153–163	30
Article 24: Education	164–179	31
Article 25: Health	180–183	36
Article 26: Habilitation and rehabilitation.	184–189	37
Article 27: Work and employment.	190–206	38
Article 28: Adequate standard of living and social protection.	207–214	40
Article 29: Participation in political and public life	215–221	41

Article 30: Participation in cultural life, recreation, leisure and sport	222–228	42
Article 31: Statistics and data collection	229–233	43
Article 32: International cooperation	234–239	44
Article 33: National implementation and monitoring	240–241	45

Initial report of Tunisia on the implementation of the Convention on the Rights of Persons with Disabilities

I. Introduction

1. The present report on the rights of persons with disabilities in Tunisia is submitted pursuant to article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, which Tunisia ratified by means of Law No. 4 of 11 February 2008. That law was published in the Official Gazette pursuant to Order No. 1754 of 22 April 2008.

2. The present report was prepared after broad consultations at the national level with all stakeholders, the ministries responsible for various aspects of human rights, the Higher Committee on Human Rights and Fundamental Freedoms, members of Parliament, civil society and non-governmental organizations, particularly those working with disabled persons, including the Basma Association for the Promotion of the Employment of Persons with Disabilities, the National Union for the Blind, the Tunisian Union for the Support of Persons with Mental Disabilities, the Association of Persons with Motor Disabilities, the Tunisian Organization of Mothers, the Association for Home Care for Persons with Severe Disabilities, the Tunisian Federation of Sports for Persons with Disabilities, the Association of Guardians and Friends of Persons with Disabilities, the Association for the Support of Persons with Hearing Loss and the Tunisian Association for the Welfare of the Deaf.

3. Those consultations, which included all relevant stakeholders, reflect our country's desire to ensure that human rights organizations are able to participate more actively and with greater regularity in efforts aimed at strengthening, protecting and implementing human rights, particularly in respect of persons with disabilities.

4. Tunisia is honoured that one of its experts is a member of the Committee on the Rights of Persons with Disabilities and proud that it was one of the first States to ratify the Convention and its Optional Protocol. In our opinion, the Convention will be an effective instrument in the effort to enhance the rights of persons with disabilities. Tunisia is committed to implementing the Committee's recommendations, whether in respect of our country's report or at the follow-up stage.

5. The present report provides a brief overview of the main advances our country has made in respect of the rights of persons with disabilities. While we are aware of the challenges and difficulties facing our country, they will not diminish our will to vigorously pursue implementation of the Convention. We would like to emphasize that the information contained in the present report should be considered in the light of the more precise data available in the periodic sectoral reports that were submitted to various United Nations bodies regarding the instruments that Tunisia has ratified and the progress made in implementing the recommendations of those bodies.

6. Before turning to implementation of the Convention, set forth below are some data on disability in Tunisia, disaggregated by type of disability, cause of disability, gender, urban/rural milieu and age.

Most important indicators concerning disability in 2003¹

Number of persons with disabilities	151 423
Percentage	1.5
Percentage of disability in the birth to 4 years age group*	0.2

Source: Ministry of Social Affairs, Solidarity and Tunisians Abroad.

* Indicates the success of disability prevention programmes.

Distribution of disability by type

<i>Type</i>	<i>Number</i>	<i>Percentage</i>
Motor disability	63 747	42.1
Mental disability	42 016	27.7
Visual disability	20 130	13.3
Auditory disability	18 832	12.4
Multiple disabilities	6 698	4.4
Total	151 423	100

Disability by cause

<i>Cause</i>	<i>Number</i>	<i>Percentage</i>
Congenital	72 394	47.8
Illness	58 647	38.7
Occupational	1 526	1.0
Work accident	2 986	2.0
Road accident	3 771	2.5
Domestic accident	2 897	1.9
Other type of accident*	3 530	2.3
Other**	5 672	3.7
Total	151 423	100

* Sports accidents at school or at athletic fields and recreational grounds and electrical shocks.

** Remnants of the Second World War, unexploded ordnance, physical violence, ageing and unknown causes.

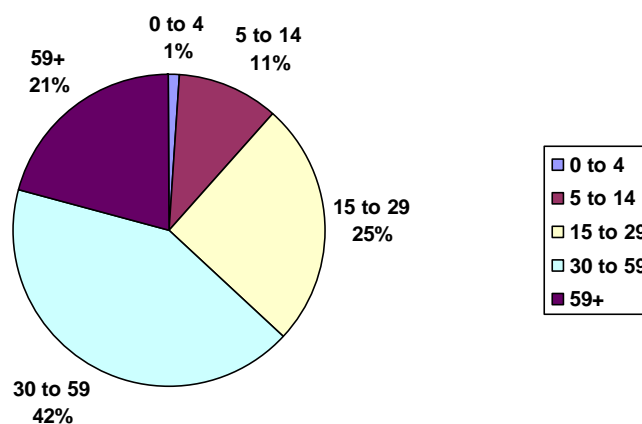
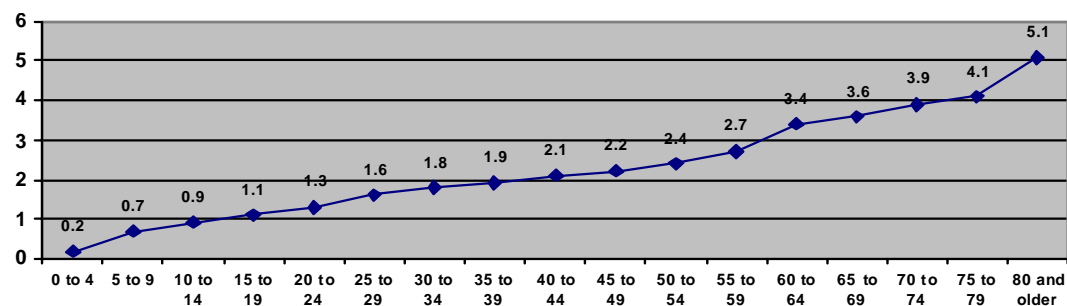
¹ In 2003, the Ministry of Social Affairs, Solidarity and Tunisians Abroad conducted a comprehensive survey of disability in Tunisia. The data gathered on persons with disabilities were included in the general census, which is conducted every 10 years. The Ministry is currently putting the final touches to a database designed to make use of the data gathered from disability cards issued to temporarily disabled persons.

Persons with disabilities by gender

	<i>Number</i>	<i>Percentage</i>
Male	100 560	66.4
Female	50 863	33.6
Total	151 423	100

Persons with disabilities by urban/rural milieu

	<i>Number</i>	<i>Percentage</i>
Urban	100 916	66.6
Rural	50 507	33.4
Total	151 423	100

Persons with disabilities by age group (2003)**Disability by age group**

7. Tunisia is currently creating a database to store all available data on persons with disabilities. This decentralized database will be updated by the regional committees for such persons.

II. Implementation of the Convention

8. The ratification of the Convention by means of Law No. 4 (2008) and its publication in the Official Gazette pursuant to Order No. 1754 (2008) is yet another expression of Tunisia's commitment to strengthening and protecting human rights, particularly the rights of persons with disabilities. In that connection, Tunisia has acceded to the following international instruments:

- The Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child.

9. By ratifying the Convention, Tunisia is obliged to take legislative, administrative and social measures and to develop programmes in order to:

- Harmonize Tunisian law and policy with the Convention;
- Establish and develop relevant mechanisms at the local and national levels.

III. Measures taken to harmonize domestic law and policy with the Convention

10. Tunisia has taken a number of measures to harmonize domestic law and policy with the Convention which will be described in detail in the various sections of the report. A summary of the most significant of those measures is set forth below.

11. As the international community was beginning to draft the Convention, Tunisia promulgated Law No. 83 of 15 August 2005, on the advancement and protection of persons with disabilities. This Law comprehensively addresses all aspects of the protection, care and integration of persons with disabilities. It also serves as the framework that guides the State in developing policies, plans, programmes and mechanisms for the advancement and protection of persons with disabilities.

12. The following orders and decisions were issued in relation to the above-mentioned Law:

- Order No. 3028 of 21 November 2005 creating the President of the Republic's Prize for the Integration of Persons with Disabilities. The aforementioned Order was amended by Order No. 1957 of 19 May 2008.
- Order No. 3029 of 21 November 2005 creating the Higher Council for the Protection of Persons with Disabilities and specifying its composition and working methods.
- Order No. 3030 of 21 November 2005 concerning the requirements for and the means by which the social security institutions will cover co-payments for the treatment and housing of persons with disabilities at public health institutions.

- Order No. 3086 of 29 November 2005, amended by Order No. 1859 of 3 July 2006, establishing the regional committees for persons with disabilities, defining disability and setting forth the proofs required to obtain a disability card.
- Order No. 3087 of 29 November 2005 concerning the requirements and arrangements for employing persons with disabilities.
- Order No. 3088 of 29 November 2005 concerning the eligibility for financial support of an indigent person with a disability, arrangements for the deposit of funds with the foster family of such a person and the requirements a foster family must meet in order to be eligible to receive financial support for an indigent person with a disability.
- Order No. 1467 of 30 May 2006 concerning the technical specifications for facilitating the movement of persons with disabilities in public buildings, shared spaces and facilities, as well as residential complexes and private buildings that are open to the public.
- Order No. 1477 of 30 May 2006 concerning the accessibility of information sources and the media to persons with disabilities, and the facilitation of the movement of persons with disabilities.
- Joint Decision of 2 November 2005 of the Minister of Finance and the Minister of Culture and Heritage Preservation establishing entry fees for museums and historical and archaeological sites.
- Decision of 3 January 2006 of the Minister of Youth, Sport and Physical Education concerning the waiver of fees for entry into stadiums and athletic complexes by persons with disabilities.
- Joint Decision of 25 April 2006 of the Minister of Public Health and the Minister of Finance concerning financial responsibility for the treatment and housing at public health institutions and rehabilitation facilities of persons with disabilities who are eligible to receive treatment at no or reduced cost.
- Joint Decision of 1 June 2006 of the Minister of Social Affairs, Solidarity and Tunisians Abroad and the Minister of Finance specifying the amount of financial support to be received by an indigent person with disabilities or a foster family caring for such a person.
- Joint Decision of 21 April 2007 of the Minister of Social Affairs, Solidarity and Tunisians Abroad, the Minister of Public Health, the Minister of Education and Training, and the Minister of Youth, Sport and Physical Education concerning adoption of requirements for the establishment, organization and operation of private institutions specialized in the vocational training of persons with disabilities.
- Joint Decision of 11 April 2007 of the Minister of Social Affairs, Solidarity and Tunisians Abroad and the Minister of Public Health concerning the requirements and procedures for the establishment of private institutions specialized in the housing and care of persons with disabilities.

13. In addition to the above-mentioned Orders and Decisions, the Government promulgated Law No. 80 of 23 July 2002. That Law was amended and supplemented by Law No. 9 of 11 February 2008, article 2 of which prohibits

discrimination between school-age children. Article 4 of that same Law provides that the State shall endeavour to ensure that children with special needs are able to enjoy the right to education.

14. Law No. 10 of 11 February 2008, concerning vocational training, provides in article 3 that vocational training programmes, both in their substance and organization, shall be based on the principle of equality of opportunity for all persons seeking training, and that such programmes must comply with the laws concerning persons with disabilities.

15. Under Law No. 37 of 16 June 2008 concerning the Higher Committee for Human Rights and Fundamental Freedoms, and specifically article 5 thereof, the Higher Committee is authorized to make unannounced visits to children's shelters and social institutions that care for persons with special needs in order to determine compliance with domestic law on human rights and fundamental freedoms. Tunisia has also promulgated Law No. 66 of 3 November 2008 concerning the facilitation of transactions for persons with motor disabilities.

Article 4

General obligations

16. Official and legal measures are not very effective unless accompanied by measures aimed at raising the awareness of the general population, including official decision makers, of the values and principles set forth in the Convention. The human rights of persons with disabilities can only be successfully promoted through continuous efforts to harmonize domestic law with those values and principles.

17. In keeping with that approach, which is distinct from the approach taken to similar international instruments, the Tunisian Government, prior to ratification of the Convention and over the past several years, has conducted a campaign to educate the public and raise its awareness by mobilizing all public and private agencies and institutions in addition to disability-related associations and organizations.

18. The Convention and its Optional Protocol entered into force when the President of the Republic announced Tunisia's accession. The announcement was made immediately after Parliament had ratified the Convention by means of Law No. 4 (2008). Following ratification, the Convention and its Optional Protocol were published pursuant to Order No. 1754 (2008). Tunisia contributed effectively to the work of the United Nations committee that drafted the Convention. It also participated in several regional and international conferences on the Convention and its implementation, including the regional conferences and seminars that were held in 2009 in Tripoli, Libyan Arab Jamahiriya, Rabat and Doha.

19. Countless activities to promote the principles embodied in the Convention were organized by associations concerned with disabilities and non-governmental organizations. Those associations and organizations made great contributions in that regard, including the promotion of the Convention at the conference organized in Tunis in 2009 by the Basma Association for the Promotion of the Employment of Persons with Disabilities, in cooperation with the Islamic Educational, Scientific and Cultural Organization.

20. Associations and organizations which played an important role in disseminating awareness of the rights of persons with disabilities and the

Convention included the Basma Association for the Promotion of the Employment of Persons with Disabilities, the National Union for the Blind, the General Association for Persons with Motor Disabilities, the Tunisian Union for the Support of Persons with Mental Disabilities, the Association of Persons with Severe Disabilities Living at Home, the Association of Tunisian Guardians and Friends of Persons with Disabilities and the Tunisian Association for Multiple Sclerosis. The Government provides ongoing support to those organizations and encourages civil society to further disseminate awareness of the Convention and portray persons with mental disabilities in a positive light.

IV. General provisions

21. With regard to the disability-related concepts and terms that are set forth in the Convention, including the definition of persons with disabilities, and the concept of long-term, reasonable accommodation and the promotion of the full enjoyment of rights, Tunisian law provides as follows:

Definition of the terms “persons with disabilities” and “long-term”

22. In Law No. 83 (2005), article 2, a person with a disability is defined as someone who was born with or subsequently acquired a permanent disability of the body, mind or senses that restricts his capacity to perform one or more essential daily activities of a personal or social nature and limits his inclusion in society.

23. By using that definition, Tunisian legislation combines the medical and social aspects. “Permanent disability of the body, mind or senses” is consistent with the concept of “long-term” that is set forth in the Convention, and “inclusion in society” implies acceptance of persons with disabilities as a natural part of human diversity.

Definition of “reasonable accommodation”

24. In article 3 of Order No. 1467 of 30 May 2006 concerning the technical specifications for facilitating the movement of persons with disabilities in public buildings, shared spaces and facilities, as well as residential complexes and private buildings that are open to the public, the Tunisian legislator defines the concepts of accessibility and the facilitation of the movement and access to services of persons with disabilities. That Order states that any building, institution or establishment which it is possible for persons with disabilities or limited mobility to enter under normal conditions, move around in and make use of all the facilities therein shall be considered accessible.

25. Article 28 of the above-mentioned Order affirms that facilitated movement shall cover, inter alia, passages, lifts, stairs, shelters, toilets and signs, for which definitions are provided.

26. Accessibility of means of communication and the media to persons with disabilities, and the facilitation of the movement of persons with disabilities is defined in Order No. 1477 of 30 May 2006 as set forth below:

- Making audio, visual and written media and means of communication accessible to persons with disabilities and enabling them to receive and access information.

- Providing public transport facilities that may be easily used by persons with disabilities.

Promoting the full realization of rights

27. With a view to putting into practice the principles and general commitments set forth in the Convention and, in particular, the principle of realizing the full enjoyment by persons with disabilities of all human rights and fundamental freedoms, Tunisia has accorded such persons even greater attention, with a view to ensuring that they enjoy the civil and political rights that are assured by law to all persons and groups without distinction by, in particular, adopting numerous amendments to the law that are intended to guarantee and protect such rights.

28. Tunisia has also made every effort to actualize numerous such rights as the right to life, the right to health, the right to education, the right to social and economic inclusion, the right to equality and non-discrimination, the right to freedom of movement, the right to independence and the right of access.

29. To that end, Tunisia has devised strategies, programmes, mechanisms and plans that are designed to ensure that persons with disabilities enjoy those fundamental rights. Those measures include the adoption of the national disability prevention plan, which was inaugurated in 2007; the national accessibility plan, which was launched in 2008; the national plan for the scholastic inclusion of persons with disabilities that was introduced in 2003; and the programme for the employment of persons with disabilities that has been implemented since 2005.

30. In addition to those plans for the advancement and protection of persons with disabilities, such persons are granted many privileges with a view to facilitating the enjoyment of their rights, including transportation at no or reduced cost and priority in dealings with Government departments and institutions, while the private sector is encouraged to employ them by being offered tax and other exemptions.

V. The realization of rights and freedoms

31. Tunisia has accorded increasing attention to protecting and promoting civil and political rights for all citizens, including persons with disabilities. It has therefore adopted numerous amendments to the constitutional and legislative framework with a view to guaranteeing and protecting those rights. Such amendments include the constitutional law of 28 October 1997, which reinforced the role in public life of political parties and expanded the number of issues of vital interest to the future of the country on which a referendum may be sought.

32. Amendments that were made to article 40 of the Constitution made it possible for there to be many candidates for the post of President of the Republic, while the amendments that were made to the Electoral Code by Law No. 58 of 4 August 2003 provided additional legal safeguards for voters and introduced a system of continuous review of electoral rolls that helped to increase transparency at all stages of the electoral process.

33. Democratic multilateralism is assured by the presence in the Chamber of Deputies of seven political parties. There are nine political parties in the country that exercise their right to organize activities and meetings, express their views and publish newspapers. Political parties that are represented in parliament also have

representatives in local, national and regional institutions. They are entitled to State financial assistance for their activities and publications.

34. Tunisia has taken numerous measures to reinforce freedom of opinion and expression, including amendments to the Press Code under Basic Law No. 1 of 9 January 2006 and, in particular, the last paragraph of article 3, which provides that daily newspapers, periodicals and journals shall not be required to obtain legal clearance.

35. With a view to actualizing judicial guarantees and the independence of the judicial system, the provisions of which apply to all citizens equally, including persons with disabilities, the following laws have been adopted:

- Law No. 90 of 2 August 1999, which amends and supplements the Code of Criminal Procedure and provides additional safeguards for persons who are temporarily deprived of their liberty. Such safeguards include limits on pretrial detention, the obligation to notify the families of detainees and to explain the reasons and legal justifications for detention, the right to medical examination, and the obligation for arrest records to be kept and submitted for scrutiny by the Public Prosecutor.
- Law No. 43 of 17 April 2000 amends and supplements the Code of Criminal Procedure and introduces the principle of a dual justice system in the criminal area.
- Law No. 77 of 31 July 2000 amends and supplements the Code of Criminal Procedure and establishes the position of sentence enforcement judge.
- Law No. 51 of 3 May 2001 transfers the General Directorate of Prisons to the Ministry of Justice and Human Rights.
- Law No. 52 of 14 May 2001, concerning the regulation of prisons, was the first law of its type, in that it set forth the rights and responsibilities of both prisoners and the prison management, and grants the disciplinary board, on which prisoners are represented, the exclusive authority to impose disciplinary penalties on criminals.
- Law No. 92 of 29 October 2002 amends and supplements the Code of Criminal Procedure and gives the sentence enforcement judge additional powers by authorizing him to issue orders, including the release of prisoners, providing they have been sentenced to no more than eight months in prison.
- Law No. 93 of 29 October 2002 amends and supplements the Code of Criminal Procedure and provides that reconciliation should be attempted in the criminal sphere through mediators. It identifies alternative approaches to criminal acts, with a view to increasing a spirit of harmony among the population and settling disputes amicably.
- Law No. 94 of 29 October 2002 amends and supplements the Code of Criminal Procedure and provides that any person who has been sentenced to a term of provisional imprisonment or a prison sentence and is subsequently proven innocent may seek compensation from the State for the material and moral damage resulting from that detention.
- Law No. 32 of 22 March 2007 supplements certain provisions of the Code of Criminal Procedure and introduces, inter alia, the obligation for judicial police

officers, when questioning any suspect, to inform him of his right to seek the help of a lawyer of his own choice, which shall be entered into the record. He also has the right to give the lawyer prior notification of the facts of the case.

36. In this context, it should be noted that judicial independence is guaranteed by the Constitution, which in article 65 clearly provides that magistrates are independent and subject to no authority other than the law. Judicial independence therefore guarantees that the law in force as far as the membership of the Higher Judicial Council is concerned is applied. It also guarantees the power of decision that is granted to that Council, which is not restricted to the expression of opinion, but includes the making of executive decisions, particularly with respect to employment, promotion, staff movements and disciplinary action.

37. With a view to firmly establishing rights and freedoms, Tunisia ratified unconditionally the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and also made the declarations referred to in articles 21 and 22 of the Convention, concerning the competence of the Committee against Torture to receive and consider complaints. Furthermore, with a view to making available every possible tool for the suppression of torture, Law No. 89 of 2 August 1999 was amended by the addition of article 101 bis of the Code of Criminal Procedure, which defines torture in precisely the same terms as those used in article 1 of the Convention.

38. At the same time, the Government of Tunisia is taking action to develop control mechanisms, gather proof and hand perpetrators over to the appropriate judicial authorities, as well as ensure that victims of various forms of abuse of power have easy access to justice and are able to obtain their rights. Given that those measures are applicable to all citizens without discrimination, they reinforce the actualization of rights and freedom for persons with disabilities.

39. With a view to providing appropriate conditions inside prisons, the Ministry of Justice and Human Rights has ensured that living conditions are consistent with the health situation of persons with disabilities by enabling prison inmates with physical disabilities to have access to special rooms and by adapting toilets and bathrooms.

40. As one of the initiatives undertaken as part of cooperation with international human rights organizations, special mention should be made of the agreement signed in April 2005 by the Tunisian authorities and the International Committee of the Red Cross whereby the latter is permitted to visit all prisons and detention centres, observe detention conditions, question inmates of its own choosing without a representative of the relevant administration being present, and make comments and recommendations to the pertinent authorities.

41. Tunisia has taken steps to ensure that persons with disabilities are represented on the bodies that are relevant to them, including the provincial committees for persons with disabilities that exist in each of the Republic's 24 governorates. Those committees comprise a chairman, a representative of the governorate department responsible for social and medical affairs and public health, the doctor responsible for coordinating health in governorate schools and universities, the doctor in charge of the governorate training unit, representatives of the governorate departments of education, training and employment and representatives of the social funds and welfare associations for persons with disabilities. Committee duties include consideration of and provision of views on the following:

- The nature and degree of disability, type of disability card and extent of its validity and benefits and entitlements that should be granted on the basis of the disability-related requirements and socio-economic situation of the person concerned.
- The files that are referred to the Committee concerning requests for equipment, prostheses and technical assistance designed to facilitate inclusion and help others.
- Files on children with disabilities who are recommended for inclusion in normal schools: the Committee is responsible for determining the most appropriate educational or training institution for each situation.
- Decisions on the most appropriate integration procedures for persons with disabilities who are recommended for vocational training, rehabilitation and employment.
- Requests for placement in foster families or institutions for the care of persons with disabilities.
- Requests for home care services for severely disabled persons who are unable to move.
- Any other issue related to the advancement and protection of persons with disabilities.

42. Ten associations represent persons with disabilities on the Higher Council for the Care of Persons with Disabilities, which was established pursuant to Order No. 3029 of 21 November 2005 with a view to supporting State efforts to undertake national policies and sectoral strategies relating to prevention and care for, the integration and advancement of persons with disabilities. The Council also undertakes research into disability and coordinates programmes and the various disability-related interventions of ministries, institutions, organizations and associations. The Prime Minister is the Chairman of the Higher Council, which comprises all the ministers, delegates from the Chamber of Deputies and the Chamber of Councillors, the Chairman of the Economic and Social Council, the leaders of the political parties represented in the Chamber of Deputies, and 10 heads of disability-related associations and national organizations.

43. The formation of associations for persons with disabilities is encouraged: there are currently 101 such associations, with a total of 242 branches in various parts of the country. They run 279 special education centres that provide coverage for 80 per cent of the Republic.

Article 5

Equality and non-discrimination

44. In article 5, the Convention establishes the principle of equality without discrimination, along the lines set forth in the Universal Declaration of Human Rights, articles 2 and 25; the International Covenant on Civil and Political Rights, article 24; the International Covenant on Economic, Social and Cultural Rights, article 10; and the Convention on the Rights of the Child, article 2.

45. In its essence and provisions, Tunisian legislation concerning the advancement of persons with disabilities is consistent with the principles in those instruments.

Law No. 83 (2005), article 1, provides that persons with disabilities shall have the same opportunities for advancement as other persons, and that they shall be protected from any form of discrimination.

46. The above-mentioned Law considers as discrimination any provisions or measures which would result in any reduced opportunities for or negative impacts on persons with disabilities.

47. Tunisian legislation has adopted the principle of positive discrimination by adopting special incentive measures that are aimed to ensure true equality of opportunity and treatment for persons with disabilities.

48. In accordance with the goals set forth in the above-mentioned article 5 concerning equality and non-discrimination, Tunisian legislation concerning the advancement of persons with disabilities has adopted the principle of positive discrimination. A quota system ensures that a certain proportion of training and employment opportunities are allocated to persons with disabilities and that they are able to undertake private projects, obtain loans, have designated parking spaces and transportation entitlements.

Article 6

Women with disabilities

49. The Personal Status Code adopted on 13 August 1993 represented a complete break with a past that had failed to recognize the dignity of all women, including women with disabilities. It was an instrument of liberation for women, in that it abolished polygamy and divorce by decree, and repudiated customs and traditions that had relegated women to a less-than-fully-human status.

50. That trend continued with other reforms, including those provided for in Law No. 74 of 12 July 1993, which amended and supplemented the Personal Status Code to allow women to share in the exercise of guardianship over their children, constituting another step for Tunisia along the path towards gender equality and the eradication of all forms of discrimination against women.

51. That same Law established the Alimony and Divorce Pension Guaranty Fund, which ensures that divorced women, including women with disabilities, and their children will be paid alimony by the State in cases where the ex-husband lacks the means to provide them with a decent standard of living.

52. Law No. 46 of 29 May 1981 was the first comprehensive law enacted for the advancement and protection of persons with disabilities. It was amended and supplemented by Law No. 52 of 14 March 1989.

53. The ratification by Tunisia of the Convention on the Rights of Persons with Disabilities marked a further commitment by Tunisia to strengthening the rights of women with disabilities, who constitute 33.6 per cent of the country's persons with disabilities (who in turn constitute 1.56 per cent of the population as a whole). Women are of particular concern because they make up half of society.

54. Law No. 83 of 2005 on the advancement and protection of persons with disabilities is a fundamental building block that enshrines the right of women with disabilities to health (articles 14 and 15); training and education (articles 19-21); rehabilitation (article 23); employment (articles 26-31) (women constitute 20 per cent of recipients of start-up funding for income-generating projects under the

national programme to create sources of livelihood for persons with disabilities who are able to work); culture; athletics (women won 8 of the 21 medals won by Tunisians at the Paralympic Games in Beijing, including three gold medals); and welfare.

55. Overall gains made by women with disabilities have increased as a result of care and attention provided on the basis of a coherent set of principles, of which perhaps the most important are a comprehensive approach to human rights, synergy between economic and social aspects, strengthening the role of civil society entities, and the dissemination of a culture of solidarity throughout society. As a result, women with disabilities have flourished in a number of fields.

56. In order to ensure that all development programmes embody the principles of gender equality and gender parity, a gender approach has been incorporated into various social policies and programmes.

57. Civil society institutions have voiced the need to include both adult and younger women with disabilities in professional training programmes and to provide them with assistance for start-up enterprises. The Tunisian Association for Aid to the Deaf has advocated greater social awareness of the problems of deaf women. It has called on ministries and organizations involved with women's issues to include deaf women fully and actively in all areas and to devote more research to the situation of deaf women.

Article 7

Children with disabilities

58. The basic principles and concepts established by the Child Protection Code that was adopted by Law No. 92 of 9 November 1995 brought Tunisian child-protection legislation into line with both the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

59. Tunisia has striven to improve the condition of children, nurture their national identity, prepare them for a life of freedom and responsibility, provide them with care and protection, promote a culture of children's rights, seek input from children as appropriate on matters affecting them, and respect and support their rights, always keeping in mind the unique characteristics of childhood and the best interests of the child.

60. The Child Protection Code includes provisions on the rights of children with disabilities, notably in article 17, which provides that in addition to the other recognized rights of children, children with mental or physical disabilities shall have the right to medical care and treatment, and to sufficient education and habilitation to ensure their self-sufficiency and facilitate their active participation in society.

61. With its ratification of the Convention on the Rights of Persons with Disabilities, Tunisia enshrined the right of children with disabilities to full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, consistent with their best interests.

62. Law No. 83 (2005) was a crucial step towards realizing the basic rights granted by law to children with disabilities in a number of crucial areas, including disability prevention, health, education and training.

63. Tunisia believes that the right of children to information has no meaning unless it is accompanied by the right to participate in and to express themselves freely on matters affecting them, in accordance with their age and maturity. On the one hand, that is a way of ensuring that measures and decisions taken are desirable, beneficial and appropriate for the actual situation of children. On the other hand, encouraging the participation of children helps to prepare them from an early age to assume obligations and gradually take responsibility for themselves (see Article 10 of the Child Protection Code adopted by Law No. 92 of 9 November 1995, supplemented by Law No. 41 of 17 April 2002).

64. Associations working on behalf of persons with disabilities have expressed their satisfaction with achievements for children with disabilities in Tunisia. The right of children with disabilities to education has been enhanced, in particular through a national programme of inclusive education. Citizens with disabilities have the right to lifetime pensions regardless of age or social status. Associations have also called for full utilization of the potential of the media to raise awareness of the rights of children with disabilities, while at the same time stressing the role of the family in instilling the values, principles and foundations of a culture of rights for children with disabilities.

Article 8

Awareness-raising

65. In accordance with the goals set forth in international human rights instruments, Tunisia has worked to disseminate a culture of human rights as widely as possible. It has revised school curriculums, including all textbooks, at all levels of primary and secondary education, and made human rights education compulsory across the board in higher education for all undergraduate and graduate degrees.

66. Efforts have been focused on purging educational curriculums of any sort of bias, with a view to enabling schools and other educational institutions to achieve the ultimate goals envisioned by Law No. 80 of 2002 on education and schooling, which are as follows:

(a) To prepare young people for a life in which discrimination on the basis of gender, social origin, ethnic origin or religion has no place;

(b) To enable students to develop their personalities and grow to maturity in an environment informed by the principles of tolerance and fairness.

67. The Ministry of Education has begun to incorporate into curriculums basic materials on human rights, freedoms and acceptance of the other as part of a comprehensive reform of the educational system (see Law No. 80 of 2002, which was amended and supplemented by Law No. 9 of 11 February 2008 and Law No. 10 of 11 February 2008 on vocational training).

68. The Ministry has also taken steps to ensure the inclusion of persons with disabilities in academic and professional training programmes at universities (in implementation of Law No. 83 (2005), article 4). In 2007 and 2008, several drawing and writing competitions were held with the theme of the potential of persons with disabilities.

69. With a view to combating stereotypes, discrimination and mistreatment on the basis of disability, as well as on the basis of gender and age, Tunisia has conducted

sensitization and awareness campaigns on disability through radio, television and print media. National and regional broadcasters air 20 spots per week on this issue. There have also been a number of forums and seminars on the capacities of persons with disabilities.

70. The subject of disability was also featured on postage stamps issued in 2002, 2003, 2005 and 2006. A total of 24 regional seminars are scheduled to be held on the subject in the second half of 2010.

71. The print media have played an important role in raising social awareness of the capacities of persons with disabilities by publicizing positive images of persons with disabilities and advocating respect for their rights. The Government has produced and distributed leaflets and other publications. Compilations of legislation related to the advancement and protection of persons with disabilities and to the Convention on the Rights of Persons with Disabilities have been distributed as widely as possible in both the Arabic and French languages.

72. The Government has also made efforts to include disability-related issues in its scientific research and data collection. Several research units and laboratories have been created for that purpose, including a research team in the Ministry of Higher Education. A study was carried out on multiple disabilities and learning disorders, and a research team at the Institute for the Advancement of Persons with Disabilities has launched a study of persons with congenital deafness. Such scientific endeavours have raised the awareness of society as a whole and increased respect for the rights and dignity of persons with disabilities.

73. Representatives of associations working on behalf of persons with disabilities have commended accomplishments in those areas. They have cited the “Rally for Hope”, an event organized jointly by Manouba University and the Basma Association in order to familiarize students with the idea of interacting with and accepting persons with disabilities. Those associations have called for greater efforts to create positive social awareness and foster a culture of accepting the other.

Article 9

Accessibility

74. Among countries designated as “emerging” by such financial institutions as the International Monetary Fund and the World Economic Forum (Davos), Tunisia has been a leader in the gradual establishment of greater social, economic and cultural rights. Its policies have had a positive impact on all classes of society and, in particular, on persons with disabilities.

75. Accessibility is of the utmost importance in integrating persons with disabilities into public life. Tunisian legislation first turned its attention to this area in 1981. Law No. 46 of 1981 on the advancement and protection of persons with disabilities, article 23, provides that buildings open to the public must be equipped with disabled access.

76. Decree No. 511 of 8 April 1991 regulating the construction of public buildings, article 7 bis, provides that any proposal for a public building must take into account technical specifications to facilitate disabled access.

77. On 8 October 1991, a decision was issued by the Minister of Housing and Land Management regulating technical specifications for access by persons of

restricted mobility to buildings open to the public. It covered specifications for passages, lifts, stairs, shelters, car parks, toilets, telephones, signs and use of facilities.

78. Law No. 104 of 3 August 1994 regulating physical education and athletic activities, article 15, requires that anyone building infrastructure for such athletic facilities as playing fields or swimming pools must ensure that such facilities are so constructed as to facilitate the viewing of or participation in the relevant sporting activities by persons with disabilities.

79. Tunisian legislation on accessibility was further elaborated in a number of subsequent laws. They include Law No. 83 of 2005 on the advancement and protection of persons with disabilities, which devotes four articles (10-13) to disabled access; Decree No. 1467 of 30 May 2006 concerning technical specifications for disabled access to public buildings, shared spaces and facilities, and private buildings that are open to the public; and Decree No. 1477 of 30 May 2006 on facilitating access by persons with disabilities to means of transportation and communications.

80. In order to implement those provisions, a national plan to ensure accessibility for persons with disabilities was adopted in 2007 and was inaugurated in 2008.

81. Certain associations have expressed concern that in some parts of the Republic there continue to be public spaces that do not meet accessibility requirements, and have called on the relevant national agencies to remedy that by redesigning those public spaces and adding pictorial symbols to written signs that designate both private and public places .

Article 10

Right to life

82. Tunisian legislation is consistent with the Convention on the Rights of Persons with Disabilities, article 10, which reaffirms the inherent right to life of disabled persons.

83. Legal protection of the right to life is provided for in the Penal Code, article 241, as amended by Law No. 58 of 19 November 1973, which criminalizes abortion when it is carried out in circumstances that contravene the law.

84. The State has devised national strategies to prevent disabilities and minimize their negative impact through early screening and detection at all stages of life of various kinds of illnesses, defects and disabilities.

85. Law No. 83 (2005) guarantees the right of persons with disabilities to the highest possible level of health care, medical services and rehabilitative care.

86. Tunisian legislation guarantees persons with disabilities the right to health services, prostheses and rehabilitation free of charge, with expenses paid by the State (Law No. 83 (2005), articles 14-16).

Article 11

Situations of risk and humanitarian emergencies

87. In accordance with the Convention on the Rights of Persons with Disabilities, article 11, and out of humanitarian consideration for persons with disabilities in

such situations of risk as armed conflict, humanitarian emergencies and natural disasters, Tunisia gives priority to providing emergency assistance to members of that group when needed.

88. Legislative measures have been taken to ensure the protection and safety of persons with disabilities in such situations. The Fire, Explosion and Building Collapse Safety and Prevention Code which was adopted by Law No. 11 of 2 March 2009, article 24, paragraph 1, provides that the safety regimes for buildings open to the public shall include both general provisions covering all types of building, and provisions for specific types of building based on function, size, design and capacity, including capacity to accommodate persons with disabilities. Relevant safety regulations are to be issued for such buildings.

89. The Child Protection Code which was adopted by Law No. 92 of 5 November 1995, article 17, provides that children shall enjoy all the guarantees provided under international humanitarian law by legally ratified international treaties, and prohibits the involvement of children in wars and armed conflicts.

90. It should be noted that Tunisia is known for its internal stability, the principles of good-neighbourliness that characterize its relations with its neighbours, and its promotion of a culture of peace and tolerance worldwide.

Article 12

Equal recognition before the law

91. The Tunisian Constitution, article 6, guarantees equality of rights and responsibilities for all citizens. Since its independence, Tunisia has made every effort to ensure equality before the law among all classes of society, and is in compliance in that regard with the provisions of international agreements and instruments, including the Convention on the Rights of Persons with Disabilities, article 12, which provides that States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others.

92. In accordance with such provisions, Law No. 83 (2005) guarantees equal opportunity to persons with disabilities and treatment on an equal basis with others.

93. The Obligations and Contracts Code (adopted by Decree on 15 December 1906), article 3, provides that any person is competent to legally obligate himself or others to perform any action not expressly prohibited by law. That same Code, article 6, identifies persons of limited competence, who include:

- A young person between the ages of 13 and 20, when entering into a contract independently of his parent or guardian;
- Someone placed in guardianship owing to mental incapacity or socially unacceptable conduct, when entering, independently of his guardian, into a contract in which the guardian is required by law to be involved.

94. The Obligations and Contracts Code grants such persons legal protection in respect of contractual obligations. Furthermore, in respect of actions resulting in crimes, the Tunisian Penal Code grants legal protection to persons who are under the age of 13 years or lacking in mental capacity.

95. Tunisian law provides extra protection to certain categories of person. Law No. 66 of 3 November 2008 concerning the facilitation of transactions involving

persons with physical disabilities requires the Civil Registry to have documents dictated or have a witness present when a blind person is asked to sign an official document.

96. Insanity and mental retardation do not constitute one of the mental disabilities that, according to the Personal Status Code, articles 5 and 16-19, bar a person from getting married. Therefore, an insane or mentally retarded person may marry of his own accord if he has not been placed under guardianship, or with the consent of his legal guardian if he has. Tunisian law also grants insane and mentally retarded persons placed under guardianship the right to seek removal of that guardianship.

97. The legal protection afforded by Tunisian law to persons suffering from the disabilities of insanity and retardation, and to blind persons when signing documents, reflects a desire to safeguard the rights of those categories of person, given the injustice and abuse to which they might be exposed in the course of carrying out legal obligations and acts.

98. Tunisian law is not satisfied with merely guaranteeing to persons with disabilities the exercise of their legal rights. It lays the groundwork for protection of that category of person, such as in the cases of mentally disabled or blind persons when signing administrative documents or commitments. In accordance with the provisions of Law No. 66 (2008), amendments were made to both the Property Rights Code, article 378, and Law No. 60 of 23 May 1994 which regulates the profession of notary.

99. Appropriate and effective measures have also been taken to ensure the right of persons with disabilities to financial loans on an equal basis with others. Persons with disabilities who are welfare recipients are entitled to loans from social security funds for the purchase of disabled-equipped vehicles with no employment or minimum salary requirement. They can obtain such loans at a special, lower interest rate of 6 per cent as opposed to 8.5 per cent.

100. Persons with disabilities are also entitled to priority access to loans from the Tunisian Solidarity Bank, which funds small enterprises and reserves 3 per cent of its loans for persons with disabilities. Persons with disabilities can also receive standard loans from commercial banks on an equal basis with other citizens. According to the most recent statistics available, 3,136 persons with disabilities received loans from the Tunisian Solidarity Bank and 9,110 received loans from development associations.

Article 13

Access to justice

101. In keeping with Tunisia's desire to strengthen and protect human rights, including the rights of persons with disabilities, the Ministry of Justice and Human Rights has made human rights a priority. The Minister is assisted by a human rights coordinator whose job is to monitor human rights, receive complaints and conduct human rights studies in cooperation with the Higher Council for Human Rights and the human rights divisions of other ministries, including the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Social Affairs.

102. The judiciary is an independent authority. The Constitution, article 65, provides that magistrates are independent and subject to no authority other than the

law. Tunisian legislation guarantees all persons, including persons with disabilities, the right of access to all three levels of the justice system.

103. In order to facilitate legal recourse for persons with disabilities, Tunisia has taken measures to ensure their practical access to courts, as victims, suspects and witnesses, at all stages of legal proceedings, including by assigning sworn sign language interpreters to courtrooms.

Article 14

Liberty and security of the person

104. In accordance with both its Constitution and its commitments under international agreements, Tunisia makes continual efforts to guarantee the right of every individual to liberty and security of person. The Tunisian Constitution, article 12, affirms that preventive custody shall be subject to judicial supervision and that preventive arrest may only take place with judicial approval. No one may be placed under preventive detention or arrest without the proper legal procedure. The Constitution, article 13, has been amended to provide explicitly that those deprived of their freedom shall be treated humanely and with respect for their dignity.

105. In keeping with its emphasis on the principle of liberty of person for persons with disabilities, Tunisian legislation stresses that persons with disabilities should be able to stay in their home environments without being deprived of liberty because of their disabilities. Law No. 83 (2005), article 18, provides for the following care measures:

- (a) Providing care for a person with a disability within his family;
- (b) Providing material assistance to an indigent person with a disability or to his legal guardian in order to help cover basic needs;
- (c) Placing a person with a disability in a foster family.

106. That same Law, article 17, provides that in exceptional circumstances a person with a disability may be placed in an institution for the shelter and care of persons with disabilities at his own request or that of his legal guardian. In Tunisia, the following institutions provide shelter for persons with disabilities:

- The Al-Sanad Social and Educational Centre is a public foundation that takes in wards of State with disabilities over six years old. It has capacity for 108 disabled persons, for whom it provides care, treatment, rehabilitation and help in re-entering society.
- The Centre for Mentally Retarded Indigent Persons is a foundation that houses 110 disabled persons.
- The Aman Centre for Social Care is a public foundation that accommodates 110 mentally disabled adults who have been transferred from hospitals for the mentally ill after having become mentally stable.

107. With a view to monitoring conditions in such specialized institutions, Law No. 37 of 16 June 2008 on the Higher Council for Human Rights and Fundamental Freedoms, article 5, authorizes the Chairperson of that Council to conduct unannounced visits to penal and reform institutions, detention centres, children's shelters and institutions for persons with special needs in order to assess the

compliance of those institutions with national legislation on human rights and fundamental freedoms.

108. In order to increase its effectiveness as a national mechanism for monitoring implementation of the United Nations Convention on the Rights of Persons with Disabilities, the Higher Council for Human Rights and Fundamental Freedoms held a meeting at its headquarters on 17 June 2009, at which the leading associations for persons with disabilities aired their concerns, proposals and aspirations. Proposals included the following:

- A representative committee should be formed to monitor all categories of disability including, inter alia, visual, hearing, physical and mental, and should meet biannually.
- A plan should be formulated to sensitize the relevant parties to the need for action to ensure full implementation in all areas of legal and administrative provisions for persons with disabilities.
- Efforts should be made to add certain disabilities to the list of chronic illnesses that are fully covered, as muscular dystrophy is.
- The relevant authorities should allow tax and customs exemptions for machines and equipment intended solely for persons with disabilities.
- The establishment of associations to assist severely disabled persons in the home should be encouraged, given the unmet needs of persons with muscular dystrophy for such assistance.
- A programme should be established for visits by the Higher Council to associations and foundations.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

109. Tunisia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by a law adopted on 11 July 1988. The Law on preventive detention and preventive arrest was amended by a law that was adopted on 26 November 1987 and provided for guarantees against torture and other forms of cruel treatment.

110. Law No. 83 (2005), article 3, provides that protection of persons with disabilities from economic and sexual exploitation, displacement and abandonment, all of which are forms of inhuman and degrading treatment, is a national responsibility.

Article 16

Freedom from exploitation, violence and abuse

111. Tunisian law guarantees the protection of children with disabilities from all forms of violence and neglect. The Penal Code, articles 212, 212 bis and 213, punish by imprisonment the following acts:

- (a) Deliberately or otherwise and with intent to abandon, leaving a child or disabled person who lacks the capacity to take care of himself in a crowded place;

(b) Causing or materially contributing to the physical or psychological harm of such a person;

(c) Through neglect, causing such a child or disabled person to suffer damage or loss of limbs, or physical or mental disability.

112. By ratifying the Convention on the Rights of Persons with Disabilities, Tunisia renewed its commitment to taking legal, administrative, social and educational measures to protect persons with disabilities from all forms of exploitation, violence and abuse. Law No. 83 (2005), article 3, provides that protection of persons with disabilities from economic and sexual exploitation, displacement, neglect and abandonment is a national responsibility to be shouldered by all parties, including the family, the State, local associations, public and private foundations, national organizations and associations, individuals and persons with disabilities themselves.

113. Tunisia has taken a number of measures designed to help persons with disabilities maintain their health and ensure their access to rehabilitation, education and training for integration into the life of society. The Higher Council for Human Rights and Fundamental Freedoms conducts visits to institutions that care for persons with special needs in order to investigate and report cases of exploitation, violence and abuse.

114. Tunisian legislation charges institutions of higher learning with the task of monitoring education, rehabilitation and training programmes for persons with disabilities at accredited education centres, with a view to ensuring that they observe pedagogical practices suitable for children with disabilities and do not in any way put them at risk of exploitation, violence or abuse.

115. The Child Protection Code (adopted by Law No. 92 of 9 November 1995), article 30, authorizes child protection services officials to intervene in cases where a child's physical or mental health and safety is threatened or a child's environment or activities put him at risk of any form of harm and, in particular, where any of the following conditions listed in article 20 apply:

- The child loses his parents and is left without family support.
- The child is exposed to neglect and displacement.
- The child is flagrantly and continually deprived of education or care.
- The child is habitually abused.
- The child, whether male or female, is exploited.
- The child is exploited for the purposes of organized crime.
- The child is forced to beg or subjected to economic exploitation.
- The parents or guardian are unable to care for or educate the child.

116. Associations working on behalf of persons with disabilities have recognized the importance of the special protection afforded to persons with disabilities by the Convention, article 16, on freedom from exploitation, violence and abuse. Those organizations have called for increased legislative, administrative, educational and cultural efforts to prevent such practices.

Article 17

Protecting the integrity of the person

117. By ratifying the Convention on the Rights of Persons with Disabilities, Tunisia committed itself to guaranteeing to persons with disabilities protection for the integrity of the person, as provided for in article 17, which provides that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others. Persons with disabilities may not be used in medical experiments or subjected to medical treatment without their or their legal guardian's full consent, and it is absolutely forbidden to force women with disabilities to undergo sterilization or abortion.

Article 18

Liberty of movement and nationality

118. Tunisia has worked to enshrine liberty of movement and nationality. All citizens, including persons with disabilities, have the right to a name and a nationality from birth. Tunisian law penalizes failure to register births.

119. The Tunisian Nationality Code, article 6, provides that the following persons shall have Tunisian nationality:

- (a) A person born to a Tunisian father;
- (b) A person born to a Tunisian mother, where the father is unidentified, stateless, or of unknown nationality;
- (c) A person born in Tunisia to a Tunisian mother and foreign father.

In all cases where the right to Tunisian nationality is established, that right is acquired at birth, in accordance with the Nationality Code, article 7.

120. Tunisian law on the right to identity documentation, nationality, a name and family relations is fully in line with the provisions of the Convention on the Rights of Persons with Disabilities, article 18, and the Convention on the Rights of the Child, article 8.

121. In accordance with its Constitution, article 10, Tunisia guarantees every citizen the right to move freely in the interior of the territory, to leave it, and to establish his domicile within the limits established by the law. No citizen can be expatriated or prevented from returning to his country.

122. Tunisian law guarantees the right of Tunisian citizens to be issued with a passport upon request. The administrative authority may only refuse to issue a passport on the basis of a court ruling.

123. Tunisia has demonstrated its commitment to human rights and fundamental freedoms by ratifying international instruments and treaties. It has recently implemented electronic updating of criminal records. Such measures apply to all citizens without discrimination, including persons with disabilities.

Article 19

Living independently and being included in the community

124. Tunisia recognizes the equal right of all persons with disabilities to live in the community, with choices equal to others, and has taken numerous measures to

facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community. Persons with disabilities are allowed to live in a family environment and choose their place of residence, and are not compelled to live in institutions or separate communities.

125. Tunisian law requires persons with disabilities to be provided with properly equipped apartments in properly equipped blocks. Law No. 83 (2005), article 13, requires that public housing blocks must contain residential units equipped for persons with disabilities.

126. Persons with severe or multiple disabilities are provided with health and rehabilitative services in the home. Those services are provided by associations which assist severely disabled persons in the home with a view to allowing them to remain within a family environment.

127. With a view to creating a specialized framework for the provision of services for persons with disabilities that allows them to be integrated into society, a new specialization of “life care” was created by Decree No. 3850 of 30 December 2009, concerning nursing school curriculums and requirements for a degree in life care assistance.

Article 20

Personal mobility

128. Tunisia has focused on ensuring accessibility, providing information and communication technology, facilitating mobility for persons with disabilities, and allowing access to services that promote economic and social integration.

129. The daily life of persons with disabilities should be made easier in order to guarantee their social integration and the right to participate in social, economic and cultural life.

130. The following measures have been adopted:

(a) Free and discounted travel for persons with disabilities and their assistants and mobility aids (Law No. 83 (2005), article 11);

(b) Provision of free prostheses for indigent persons with disabilities (Law No. 83 (2005), article 15);

(c) Use of social funds for prostheses purchase by members and their guardians (Law No. 83 (2005), article 14).

131. Tunisia has put in place a national strategy for disabled access. Implementation began in 2009 and has focused on the following areas:

Adaptation of civilian buildings

- Inspection of central, regional and local premises of Ministries and related agencies;
- Identification of required actions;
- Formulation of a phased implementation programme for each sector, listing the programmes by priority and time frame;
- Compliance with legal requirements for new buildings.

Adaptation of Government premises and facilities, in particular those open to the public

- Formulation of a phased programme for implementation by local authorities in order to ensure compliance with minimum requirements for existing buildings, including width of passages and entrances, doors, ramps, stairs and shelters;
- Compliance with legal requirements for new buildings and the extension, modification or refurbishment of existing buildings;
- Adaptation of roads, passages and pavements;
- Adaptation of busy city roads;
- Adaptation of entrances to public buildings and administrative and service centres;
- Pilot projects to ensure accessibility in rural areas.

Adaptation of public transport

- Formulation of a phased programme to adapt existing public transport vehicles in accordance with Order No. 1477 (2006);
- Disabled access should be a key factor in deciding the purchase of public transport vehicles, and should be brought to the attention of the committee on contracts.

Adaptation of information and communications technology

- Formulation of a time scale to make Government websites accessible to persons with disabilities;
- Increased funding for communication service operators to provide disabled-friendly equipment.

Awareness-raising

- Public service announcements on accessibility and integration;
- Seminars and events on accessibility;
- Awareness-raising campaigns for architects, real estate developers and others;
- Drafting of guidelines in order to ensure disabled access for public spaces and passages. The guidelines have been disseminated on the Internet in order to reach a wider audience;
- In cooperation with the Ministry of the Interior and Local Development and the Ministry of Social Affairs, Solidarity and Tunisians Abroad, the Ministry of Housing and Land Planning organized an education day on 13 May 2010 on facilitating the mobility of persons with disabilities in public spaces.

132. The following results have been achieved:

- Some Government and private buildings open to the public have been equipped with disabled-friendly passages;

- Disabled access has been introduced at the main air, land and sea transit points, including airports and major train and metro stations;
- Disabled access has been introduced on main streets in large towns and includes, in particular, pavements and traffic lights;
- Disabled access has been introduced at some sports facilities;
- Disabled access has been introduced at some cultural and leisure facilities and public parks, notably by removing architectural barriers;
- Disabled access has been introduced at public sites, including centres of tourism and trade;
- Disabled access has been introduced at some beaches;
- Temporary rest points and public shelters are being used by persons with disabilities and their assistants.

Disabled-friendly means of transport

133. Disabled-friendly public transport has gradually been introduced, including in the following cases:

- Metro carriages;
- Buses;
- Some 20 buses each year, or 274 buses in total to date, are made available to disability-related associations;
- Priority seating is allocated to persons with disabilities;
- Passenger trains now have a carriage with toilets for persons with disabilities;
- Buses intended for the sole purpose of transporting persons with disabilities have been exempted from fees and duties for import, manufacture and sales.

134. Persons with disabilities enjoy tax reductions on cars specifically adapted for their use. Disability-related associations and institutions are exempt from the harmonized compensation tax on road transport and from value-added tax on the use of their buses to transport persons with disabilities.

135. Some disability-related associations have called for a total exemption from tax and customs duties on all equipment and funds that facilitate the lives of persons with disabilities and promote social integration. They have also called for the implementation programme to be accelerated, prioritizing administrative centres and public institutions in order to enable persons with disabilities to access services.

Article 21

Freedom of expression and opinion, and access to information

136. Article 8 of the Constitution of Tunisia, the applicable legislation and, in particular, the Press Code establish the fundamental right of all individuals to freedom of opinion and expression and access to information as set forth in article 21 of the Convention. National publications, most of which are owned by the private sector and political parties, appear in numerous languages. They address a range of topics and are freely available on the Tunisian market.

137. That right is also reflected in the pluralism of the Tunisian audio-visual sector. In addition to the national television channel and Tunisia 21, there are two private television channels and three private radio stations. The law guarantees every individual full right to use satellite dishes to receive television programmes.

138. The State provides resources and equipment in order to encourage the media to disseminate social and cultural programming to persons with disabilities. For some years, the national television service, through channels Tunisia 7 and Tunisia 21, and the radio service, through national radio and youth and regional stations, have been broadcasting daily and weekly programmes for persons with disabilities, at a rate of some 20 programmes each week.

139. By ratifying the Convention, Tunisia has strengthened its wholehearted commitment to and implementation of freedom of expression, opinion and information. Order 1477 (2006), article 1, states that the adaptation of media and communications to the needs of persons with disabilities shall mean adapting the audio-visual and written media in order to facilitate their use by persons with disabilities, thereby enabling such persons to access and receive information.

140. Article 2 of the Order states that public and private media institutions shall introduce sign language and subtitling in order to ensure that persons with disabilities can follow their audio-visual programmes and, in particular, news bulletins.

141. In accordance with those provisions, persons with disabilities have been involved in making radio and television programmes. Sign language has been introduced for news programmes, and subtitling is in use for other television programmes. The Ministry of Education uses Braille to teach blind persons and provides free teaching materials in that medium. The Centre for the Advancement of Persons with Disabilities has published a standardized dictionary of Tunisian sign language, drawing on the input of representatives of associations for the deaf and hard of hearing.

142. The content of the dictionary has been registered with the Tunisian Institute for Authors' Rights as No. 09-13-15-03-2010. Numerous introductory training sessions on that material have been organized. Signs and directions have been placed in public administration buildings and in some public transport stations.

143. Modern communications technology has been used for numerous disability-related programmes. One example is the *E-handicapés* initiative, which includes learning support for pupils with disabilities, and long-distance services for persons with disabilities. Tunisia has established 24 media and communications units with disabled-friendly equipment, one in each province.

144. The units provide several long-distance services, including communications and electronic, Internet and media services. They can assist with a range of social issues, inquiries and services.

145. A website for persons with disabilities, www.handicap.tn, was created in 2007 in order to ensure disabled access to modern communications technologies. Most disability-related associations have websites.

146. A national media centre for children with disabilities was established some years ago, and regional equivalents are also in place.

147. Tunisia is currently modifying all administrative websites in order to make them disabled-friendly. Associations wishing to create such websites are eligible for incentive grants of 4,000 Tunisian dinars.

148. In order to maximize access to information and modern technology, disabled persons enjoy a 5 per cent discount on Internet services.

Article 22

Respect for privacy

149. Article 7 of the Constitution of Tunisia guarantees citizens the full enjoyment of their rights in accordance with the modalities and conditions set forth in the law. Those rights may be curtailed only by a law adopted in order to uphold the rights of others, the public interest, national defence, economic prosperity or social advancement.

150. Article 9 of the Constitution guarantees the right to private life of citizens of any age as set forth in article 22 of the Convention. The inviolability of the home and confidentiality of correspondence are guaranteed except under exceptional circumstances determined by law.

151. The Penal Code provides for prison sentences of up to two years for breaching the inviolability of the home (articles 257-257) and three months for violation of the confidentiality of correspondence (article 253).

152. In view of technological developments, numerous laws have been adopted with a view to safeguarding the exchange of information and personal details on the Internet.

Article 23

Respect for home and the family

153. Tunisia's approach to all matters regarding marriage, birth and relationships reflects its ratification of the Convention; persons with disabilities are respected on an equal basis with others.

154. Persons with disabilities have the right to marry and found a family in accordance with the Personal Status Code. The law allows for the marriage of insane persons (i.e. persons who fit the criteria for disability and have disability cards) either with permission from their guardian, or of their own accord where there is no guardian. Tunisian legislation does not restrict the spouses' right to decide the number of children they wish to have.

155. Tunisian law on adoption, trusteeship and wardship does not contain any prohibition on raising a child. The interests of the child remain paramount. Irrespective of disability, those interests are the sole consideration in deciding whether to place a child in the care of a family.

156. Vaccinations are administered before, during and after pregnancy in order to safeguard the health of mother and child. Vaccination of newborns is free and compulsory, and takes place in accordance with a set timetable; 98 per cent of newborns in Tunisia are vaccinated. Training sessions on reproductive health have been conducted for young deaf persons and blind persons.

157. Tunisia is working to help persons with disabilities to improve their lives and preserve family stability in the home. Each year, the State allocates 23,000 stipends for indigent persons with disabilities. That amount is increased for families with children of school age, and is revised periodically in line with the cost of living.

158. Tunisia is convinced that the family environment is important for a child's balanced upbringing. The law therefore places particular emphasis on children with disabilities in all situations and, wherever possible, within the family.

159. Article 4 of the Child Protection Code states that any procedures and measures taken by any concerned party should focus on the interests of the child over and above any other. Article 7 of the Code states that preventive action within the family should be a primary consideration in order to safeguard the role of the parents in educating and raising the child.

160. Article 8 states that any decision should aim to allow the child to remain in the family environment, except in cases where it becomes clear to the judicial authorities that the child would thereby be placed in imminent danger. It should be noted, however, that the role of the parents in educating and raising the child does not confer absolute freedom; society retains the duty to intervene when necessary by providing information in accordance with article 23 of the Convention.

161. As a result, the number of day-care centres for persons with disabilities has risen markedly to 279, whereas only four centres, or 0.014 per cent of the total number, provide accommodation.

162. Tunisia's approach favours allowing persons with disabilities to remain in the home environment. Law No. 83 (2005), article 17, provides that persons with disabilities may remain in trusteeship with a family, which can receive a grant in funds or in kind.

163. In accordance with that approach, 40 persons with disabilities have been placed in families since October 2008. Such action may be taken at the request of the individual or their legal representative, and at the request of the foster family.

Article 24

Education

164. In Tunisia, education is compulsory and children with disabilities have the right to enter public schools without restriction or condition. Article 4 of Law No. 80 (2002), which was revised and supplemented by Laws No. 9 and No. 10 of 2008, provides that the State shall endeavour to create the appropriate conditions for children with special needs to enjoy that right. The same law states in article 2 that education shall take place on a basis of equality and without discrimination.

165. Law No. 83 (2005), article 19, provides that the State shall ensure that children with disabilities have the right to tuition, education, habilitation and training in the regular manner, and shall enjoy that right on an equal basis.

166. Tunisia's policy of free, compulsory public education has resulted in the following achievements:

- Some 99 per cent of children of school age are enrolled in school;
- The pass rate has risen, and failure and drop-out have declined;

- Basic equipment has improved;
- Some 5 per cent of schools are connected to the Internet.

167. Articles 21 to 25 of the Law guarantee education, habilitation and training, in accordance with their special needs, to children with disabilities who are unable to engage in mainstream education and training.

168. Tunisia has formulated a national plan for school integration. Implementation began in academic year 2003-2004 and will continue until 2010. The plan provides for the integration of persons with various disabilities in regular schools. It comprises three phases and focuses on the following points:

- Ensuring accessibility and removing material obstacles to effective integration into public life;
- Thorough preparations for integration including, in particular, early detection and diagnosis of disabilities;
- Provision of guidance, orientation and material support for guardians;
- Increasing opportunities for early integration, particularly at the preschool level;
- Improving the capacity of the education system to integrate children with disabilities by adopting appropriate teaching methods, ensuring enrolment in schools and providing individual support and technical and health assistance as necessary;
- Enhancing capacity in every aspect of tuition, assistance and other activities;
- An appropriate media and communications strategy has been formulated in order to mobilize all actors and improve their awareness and work methods, thereby enhancing their engagement with the teaching process;
- The role of associations has been highlighted, as has the need for them to be involved in the process of scholastic integration.

169. The first phase of the plan is intended to integrate persons with motor disability, the deaf and those with mild mental disability aged between 6 and 9 years old. The second phase is aimed at integrating visually impaired persons and universalizing pre-school classes. As of the academic year 2009-2010, the third phase includes primary schools, vocational schools and vocational training centres.

170. There are currently 327 integrated schools throughout the country, 316 of which include pre-school classes. Some 1,496 pupils have mild and moderate disabilities, while a further 6,000 pupils and students with disabilities are integrated automatically.

171. Tunisia has endeavoured to put in place quality educational programmes by creating the requisite framework and providing regular training sessions for staff.

172. Partnership between Government and civil society institutions is important for the successful integration of persons with disabilities. Relevant associations are therefore playing an effective role in providing assistance, teaching support and habilitation, including speech therapy and physical therapy, for pupils with disabilities in the regular school system.

173. In order to enable pupils with disabilities to successfully sit examinations, Tunisia provides writing assistants for pupils with disabilities, as required. In the case of national examinations, additional time is allowed.

174. While the principle is to encourage the total integration of persons with disabilities, specialized education and training are provided for those unable to attend regular schools. Six specialized institutions are managed by the Ministry of Social Affairs and cater for pupils with disabilities, as set forth in the table below.

Pupils enrolled at public institutions, 2009

<i>Institution</i>	<i>Number of pupils</i>
Al-Sanad Social Education Centre in Sidi Thabet	102
Health and Education Centre for Persons with Motor Disabilities, Nabeul	43
Vocational Training Centre for the Deaf, Ksar Hellal	43
Rehabilitation Centre for Persons with Motor and Acquired Disabilities	76
The Al-Iradah Centre	101
Total	365

Public education and habilitation institutions by type of disability, 2009

<i>Type of disability</i>	<i>Number of centres</i>	<i>Number of beneficiaries</i>
Mental	2	203
Hearing	1	43
Motor	2	119
Visual	6	631
Total	11	996

175. Tunisia also has a network of 279 specialized education centres that are managed by associations, cover 80 per cent of the country and cater for some 16,000 persons with disabilities. The centres provide tuition, habilitation and training as set forth in the following table.

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
Tunisian Association for the Assistance of Persons with Mental Disabilities	111	90	7 080
Centre for Disabled Persons without Family Support, Manouba	1		110
Ibn Sina Association	4		77
Ouladna Association for guardians of children with disabilities	2		77
Tunisian Association for Persons with Down's Syndrome	1	1	65
Association for the Protection of Persons with Psychotic Disorders and Child Autism	2		43
Tunisian Association for the Advancement of Mental Health	2	2	54

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
Association of Guardians and Friends of Children with Autism	1		
Total	124	93	7 506

Motor disability

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
Association of Persons with Motor Disabilities	19	45	768
Association for the Welfare of Persons with Motor Disabilities, Sfax	1		196
Regional Association of Persons with Multiple Motor Disabilities, Sousa	1		157
Sabaseb Association of Persons with Motor Disabilities and Kidney Failure	1		58
El Indimaj Association of Persons with Motor Disabilities, Metlaoui	1		21
Association for the Assistance and Training of Persons with Motor Disabilities, Ben Arous	1		38
Total	24	45	1 238

Visual disabilities

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
National Union for the Blind	12	24	173
Nadi Al Bassar of the Maghreb	1		
Total	13	24	173

Hearing disabilities

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
Tunisian Association for Aid to the Deaf	38	37	2 049
Association for the Welfare of the Deaf	13	13	615
Total	51	50	2 664

Various disabilities

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
Association of Guardians and Friends of Persons with Disabilities	20	16	1 175
Various associations	35		1 637
Union of Integrated Specialized Schools	3		81

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
Ettafael Association for Child Habilitation	1		119
Tunisian Mothers' Association	1		71
Al Rabi' Association for the Assistance of Older Persons with Disabilities	1		31
Association for the Habilitation and Integration of Persons with Disabilities, Ettadhamen	3	1	106
Total	64	17	3 220

Multiple disabilities

<i>Association/branch</i>	<i>Centres</i>	<i>Branches</i>	<i>Number of pupils</i>
El Moroua Association for the Assistance of Persons with Multiple Disabilities	1	2	87
El Malaika Tunisian Association for Guardians of Children with Severe Mental Disabilities and Multiple Disabilities	1		36
Association for Home Care for Persons with Severe Disabilities	1		
Total	3	2	123

Distribution of education centres pertaining to disability-related associations and the public sector

<i>Type of disability</i>	<i>Number of centres pertaining to associations</i>	<i>Number of public centres</i>
Mental	124	3
Hearing	51	1
Motor	24	2
Visual	13	6
Multiple	3	
Various	64	
Subtotal	279	12
Total	291	

176. The State provides material and technical support to the associations that manage the centres. Such support consists primarily of the following:

- An annual grant in respect of each child with a disability who is enrolled at a centre;
- Three programmes to support specialized education centres, including the construction of new centres and extension and refurbishment of existing ones, with total appropriations of 15,700,000 Tunisian dinars (equivalent to US\$ 11,250,000);

- Capacity-building in many of the relevant areas, including education, health, vocational training, agriculture, sport and leisure activities;
- Provision of 20 buses a year to transport persons under the care of the centres;
- Periodic training sessions for staff working at specialized education centres.

177. With a view to promoting school integration and bridging the digital divide between social categories, a project has been formulated for the use of modern technology to educate children with disabilities. Information technology programmes have been introduced from the pre-school year to the sixth year of primary school. Programmes include teaching materials reflecting the official Tunisian curriculum for such subjects as Arabic, French, English, Mathematics, History, Geography and Introductory Science. They are designed for children of school age with disabilities, and have benefited some 5,000 pupils.

178. Some disability-related associations, particularly those assisting the blind, have stressed the need to facilitate the educational integration of blind pupils by making it obligatory for teachers at schools for the blind to read and write Braille, and by guaranteeing the right of blind teachers to work at those schools.

179. Organizations representing the deaf have emphasized the need to provide human and material resources to guarantee the right of deaf persons to education on an equal basis with other pupils at regular schools, adopt sign language at regular schools, and teach at every level courses on disability and interaction with persons with disabilities.

Article 25

Health

180. The Tunisian health system prioritizes primary health care, which in turn centres on protecting mothers and children, preventing epidemics and combating certain social ills and common diseases. In so doing, it aims to eliminate the contagious diseases that are the main causes of disability and child mortality.

181. Tunisia's ratification of the Convention reflects a renewed commitment to guaranteeing the right of persons with disabilities to enjoy the highest attainable standard of health without discrimination on the basis of disability. Tunisia has taken action to ensure their access to health services, including retraining.

182. Law No. 83 (2005), articles 13 to 15, states that persons with disabilities shall enjoy free treatment, medicine, training at public facilities, and provision of prostheses. The State shall assume the costs of those services for indigent persons with disabilities, and social funds shall do so for members and their guardians.

183. That policy has led to the following achievements:

- Elimination of numerous diseases and epidemics, including many that cause disability, such as polio and tetanus;
- Provision of free preventive health care for all social categories, including compulsory medical examination prior to marriage;
- Addition of rubella to the 2005 national vaccination programme, allowing 93 per cent of children to be vaccinated in 2007;

- Support for efforts to train doctors in genetics; development of medical and scientific equipment for early detection and treatment of disabilities;
- Promotion of school and university health care prior to enrolment in order to allow early detection of sensory and functional disabilities;
- Health institutions employ detection and diagnosis techniques, thereby promoting early detection of disability, especially in families disproportionately at risk;
- Pregnancy examinations are now available across 96 per cent of the country, together with a special diagnostic clinic. Those measures have helped to reduce pregnancy-related disability by detecting anaemia, diabetes, urinary tract infection and child toxoplasmosis;
- A national programme to prevent visual disability has been formulated for the period 2009-2014 in the context of the global Vision 2020 initiative;
- Scientific seminars are held on the negative effects of consanguineous marriages;
- Early detection has been incorporated into programmes for the monitoring of the mother and foetus during pregnancy;
- Disability-related associations take part in prevention and awareness-raising programmes by ensuring the early diagnosis of child deafness and organizing training sessions on reproductive health for young persons with disabilities.

Article 26

Habilitation and rehabilitation

184. By ratifying the Convention and, in particular, article 26, Tunisia has recognized the importance of psychological, social, educational and vocational habilitation. That process should encourage self-reliance, integration or reintegration into society by restoring or enhancing the individual's abilities or potential skills. Persons with disabilities should be able to acquire and maintain the greatest possible independence and involvement in all aspects of life.

185. Tunisia has established 24 regional habilitation units in the various provinces. The centres permit the early detection and treatment of disabilities, provide habilitation services, and develop habilitation and rehabilitation programmes through individual projects for the protection of persons with disabilities. Such action takes place pursuant to Law No. 83 (2005), article 3, which states that the habilitation, awareness-raising, education and vocational training of persons with disabilities shall be a national responsibility. Persons with disabilities and their families are involved in the formulation of habilitation and rehabilitation programmes.

186. Article 20 of the same Law provides that the State shall make a proactive commitment and provide habilitation and preschool preparation in accordance with the special needs of children with disabilities.

187. At the social level, disability-related associations have stressed the need to provide more modern equipment and human and material resources for habilitation and rehabilitation of a high standard.

188. Article 15 of the regulations governing the establishment and management of institutions for special education, habilitation and vocational training for persons with disabilities provides that those institutions shall adopt projects consistent with the needs of each beneficiary, and that guardians may participate in formulation, implementation and follow-up. Article 29 of the regulations states that habilitation and training staff shall be responsible for developing the capacities of persons with disabilities and training them in a range of areas through a tailor-made programme.

189. In order to actualize that right, there is a public vocational training centre in Tunisia for persons with motor and acquired disabilities. The centre caters for some 100 individuals. Its functions include vocational retraining aimed at reintroducing persons with disabilities into active life. A second centre has been founded in the south of the country and will become active in 2010.

Article 27

Work and employment

190. Tunisia has enacted the provisions of the International Covenant on Economic and Social Rights and international labour regulations. It has ratified 58 conventions of the International Labour Organization, including the eight conventions on fundamental principles and rights at work, Convention No. 142 on human resources development, and Convention No. 159 on vocational rehabilitation (disabled persons).

191. By ratifying the Convention on the Rights of Persons with Disabilities and, in particular, article 27, Tunisia has recognized the right of persons with disabilities to work on an equal basis with others. Law No. 83 (2005) guarantees persons with disabilities the right to employment. Article 26 states that no citizen who is suitably qualified may be denied employment in the public or private sector on the basis of disability, and provides that the State shall formulate plans and policies to promote their employment. Article 27 provides that no applicant may be denied an interview or test for a public-sector position on the grounds of disability.

192. Articles 28 to 35 of the Law set forth the conditions for the employment of persons with disabilities in the public and private sectors and small-scale projects, and specify the privileges granted in that regard. For the first time, the Law introduced a quota for persons with disabilities in the public sector: article 29 states that such persons shall be given priority consideration for no less than 1 per cent of annual public sector positions. As a result, 600 persons with disabilities have been recruited to the public sector since the Law entered into force.

193. Article 30 states that no less than 1 per cent of posts in companies that employ 100 or more individuals must be reserved for persons with disabilities. The rate of employment of persons with disabilities is 90 per cent of the target in the case of the private sector and 98 per cent for the public sector.

194. Since 2006, stakeholders have been negotiating the employment of persons with disabilities as part of 20 joint sector agreements.

195. Article 31 of the Law has for the first time, provided for alternative forms of employment when direct employment is not possible. Those alternatives include the following:

- Persons with disabilities may be permitted to work off-site;

- Persons with disabilities may be permitted to work through subcontracting;
- Purchase of products made by self-employed persons with disabilities;
- Purchase of products made at centres owned by disability-related associations.

196. In order to encourage private-sector institutions to hire persons with disabilities, article 34 provides incentives that include, in particular, exemption from payment of one half, two thirds or all of the applicable social security contribution in respect of each person with a disability, depending on whether the disability is mild, moderate or severe. Companies are also exempted from tax on vocational training and housing fund contributions in respect of each person with a disability. For the first time, Tunisian law has determined penalties for failure to comply with the obligation to employ persons with disabilities. The penalty is doubled for repeat offences. The Labour Inspection Office has been given responsibility for identifying violations and maintaining records.

197. When a worker acquires a disability as a result of an accident in the workplace, the employer has an obligation to leave that person in their original post or move them to another vacant post suited to their qualifications and the nature of the disability. Persons completely unable to continue working enter retirement in accordance with the provisions in force. The opinion of the joint administrative committee or consultative committee, depending on the nature of the sector, must be sought.

198. In 2004, Tunisia cooperated with disability-related associations to introduce a special programme for the employment of persons with disabilities. Awareness-raising convoys were organized with a view to disseminating information about the skills of persons with disabilities and securing work contracts, private funding and prostheses in order to facilitate travel to the workplace. The Basma Association provides care for persons with disabilities, and develops their knowledge and capabilities in order to encourage the greatest possible autonomy and professional integration. It seeks to develop methods to support persons with disabilities and foster a spirit of initiative by intensifying assistance programmes at every stage, from training to paid employment or self-employment. The Association helps professionals with disabilities to sell their products and encourages them to take part in exhibitions and trade fairs. It helps to make the public aware of disability issues; explains how disability can be prevented and treated; and prepares persons with disabilities for life and work in society.

199. Tunisia has established a regional joint technical committee comprising all the parties involved in the employment of persons with disabilities. The committee aims to identify employment opportunities and assess job applications. Since 2004, it has furthered the employment of some 2,500 persons with disabilities.

200. In May each year, a national exhibition is held at which the products and artefacts of persons with disabilities are sold. A total of 13 regional sales centres have been opened.

201. Modern technologies are vital for the economic integration of persons with disabilities. The Basma Association has therefore created a website for the employment of persons with disabilities and an electronic portal to sell their products.

202. The Ministry of Vocational Training and Employment has formulated a programme to make persons with disabilities more employable. The programme, which will be implemented by the associations, will enable persons with disabilities to access vocational training suited to their skills and regional market needs. A quota of 3 per cent of places at the Ministry's vocational training centres is reserved for persons with disabilities. Persons unable to enrol in the regular manner may access training at specialized institutions and educational centres.

203. In view of the importance of private projects in ensuring the independence of persons with disabilities, Tunisia has put in place numerous mechanisms to fund small-scale projects, including a national programme to promote resources for indigent persons with disabilities who are able to work. Some 700 such projects receive funding each year.

204. The Tunisian Solidarity Bank and development associations give priority to persons with disabilities in granting loans to fund small-scale projects. Such funding accounts for 3.8 per cent of the total loans granted.

205. Order No. 3026 of 21 November 2005, as amended and supplemented by Order No. 1957 of 19 May 2008, established the Award of the President of the Republic for the Integration of Persons with Disabilities. The Award is presented annually to individuals, local groups, institutions, non-governmental organizations or associations that have contributed directly or indirectly to programmes and projects for the integration of persons with disabilities. Eligible programmes may promote their education, training or employment; improve their environment; enable them to practice sporting, cultural or recreational activities; improve access to communications technology or other modern technologies; or foster a culture of integration and equal opportunities.

206. Disability-related associations have suggested formulating a forward-looking strategy which would promote modern vocational training and employment for persons with disabilities. The Tunisian Association for the Assistance of Persons with Mental Disabilities has called for a legal framework for protected categories as the most effective way of ensuring the integration of such persons.

Article 28

Adequate standard of living and social protection

207. Tunisia, a medium-income State with a population of 10 million, is considered one of the most competitive in Africa.

208. Figures indicate that Tunisia will exceed the internationally determined goals for achieving the Millennium Development Goals by 2015, given that by 2005, poverty levels had fallen to 3.8 per cent.

209. The State continues to invest increasing amounts in social areas: social expenditure has doubled, to 20 per cent of gross domestic product, producing the following indicators:

- In 2009, per capita income had risen to 5,142 Tunisian dinars;
- There is an annual increase in the minimum wage for industrial and agricultural workers;
- In 2008, Tunisian home ownership rates had risen to 80 per cent;

- Mortality rates for infants and children under five years old have fallen;
- In 2009, life expectancy at birth had risen to 74 years;
- In 2009, welfare coverage had increased to 95 per cent.

210. With a view to actualizing the principle of equality for all, without discrimination on the basis of gender, race, colour or health status, Tunisia has guaranteed the right of persons with disabilities to an adequate standard of living and social protection by adopting the principle of free treatment, set forth in Law No. 83 (2005), article 14 and article 15, which concerns training and rehabilitation. Prostheses are also supplied free of charge.

211. In accordance with the above-mentioned Law, article 17, and with a view to contributing to the coverage of the basic needs of indigent persons with disabilities, 23,000 grants have been made to such persons living at home, out of a total of 132,000 grants to indigent families. As part of the programme to supply social housing for sectors with special needs, such housing is provided for indigent persons with disabilities.

212. As one of Tunisia's priorities, it has consistently sought to provide a decent standard of living for all social groups by adopting a comprehensive, two-pronged development approach, of which the first element is economic and designed to achieve growth that will encourage the mainstreaming of weaker population groups into the domain of production, while the second, concomitant, element guarantees social and health protection and special assistance for those groups.

213. Population groups with limited income benefit from direct State assistance as part of the national programme for the assistance of indigent families. They also receive treatment free of charge or at a reduced rate.

214. The national solidarity fund has made it possible to provide infrastructure and housing in remote areas. Health and education facilities, electricity, clean drinking water, communications and sources of income have been made available in more than 1,800 such areas. Against that background, some components of civil society have called for an increase in the grants that are made to persons with disabilities who are unable to work.

Article 29

Participation in political and public life

215. With a view to ensuring that all citizens enjoy equally the basic rights that are guaranteed by the Constitution and, in particular, the right to participate in political and public life, Law No. 83 (2005), article 1, provides for equality of opportunity for those and other persons.

216. On that basis, Tunisian legislation guarantees to persons with disabilities the right to participate in political life as candidates and electors: disability is not considered an impediment to the exercise of that right by either the Tunisian Electoral Code or the Constitution.

217. In order to actualize that right, persons with disabilities were involved in national consultations on youth, sport and culture, either directly or through the relevant institutions.

218. Tunisian legislation also grants persons with disabilities the freedom to belong to political parties, express their views and form associations that conform to the provisions of Law No. 154 of 1959, concerning associations, which was amended and supplemented by Law No. 25 of 2 April 1992.

219. A whole section of the 2005 law was devoted to disability-related associations and assures them of technical and material support. Provisions include the following:

- Entrenchment of the principle of partnership between associations and the State in the advancement of persons with disabilities.
- State obligation to provide disability-related associations with technical and material support.

220. The articles of certain associations also oblige them to represent persons with disabilities. Such associations include the National Union for the Blind and the Tunisian Union for the Support of Persons with Mental Disabilities.

221. Further to the exercise of the above-mentioned right, disability-related associations have called for all persons with disabilities to be appointed as representatives on every municipal and legislative council, committee and institution.

Article 30

Participation in cultural life, recreation, leisure and sport

222. Being well aware of the importance of the above aspects for the psychological equilibrium and independence of persons with disabilities, Tunisia guarantees the right of such persons to engage in and benefit from cultural, sporting and leisure activities, and has taken action to remove impediments to their normal pursuit thereof.

223. Tunisian legislation also provides incentives and facilities to enable persons with disabilities to engage in such activities: Law No. 83 (2005) provides in article 37 that persons with disabilities may enter museums, historic sites, sports grounds and leisure areas free of charge.

224. Furthermore, it is obligatory to teach the subject of physical education for persons with disabilities in normal schools and in special education centres. The State has incorporated the subject of sport and physical education for persons with disabilities into the curriculums of physical education institutes. It has also made it obligatory for institutes that provide training in care for persons with disabilities to establish cultural and leisure clubs from which such persons may benefit.

225. Pursuant to the agreement concluded on 7 December 2007 between the Ministry of Social Affairs and Solidarity and Tunisians Abroad and the Ministry of Culture and Heritage Preservation concerning cooperation between cultural and social care institutions, social groups and the bodies charged with implementing the national programme for adult education, action has been taken to reinforce and intensify cultural activity for persons with disabilities and other groups with special needs and expand the outreach of cultural institutions.

226. With a view to facilitating access by persons with disabilities to leisure facilities, certain beaches have been designated for their use. In view of the

importance of sporting activities for persons with disabilities, in 1988 the Tunisian Sports Federation for the Disabled was established as part of the Ministry of Youth, Sport and Physical Education. It is responsible for sports for persons with disabilities, including track and field and team sports, and encompasses 153 sports clubs and associations with a membership of some 3,825. Efforts to popularize physical education and sporting activity are being made throughout the country. Such activities are not restricted to track and field and team sports, but include such recent sports as boccia, which can be played by those with cerebral palsy and muscular dystrophy. As a result of that policy, some 70 outstanding sports persons with disabilities won 21 medals, including nine gold medals, at the 2008 Beijing Paralympics.

227. Associations working in the field of disability and, in particular, the National Union for the Blind, have underlined the need for culture to be made accessible to all, including the blind, by using audio description cinema tapes or installing special wings for blind persons in museums. The National Union for the Blind has requested the State to grant special incentives to innovative persons with disabilities.

228. The Union has also expressed satisfaction with the success enjoyed by persons with disabilities in Tunisia, saying that the rights with regard to which it makes no comment are bright points in the lives of persons with disabilities in Tunisia, and the reason for their achievements and integration.

Article 31

Statistics and data collection

229. Tunisia is aware of the importance of collecting statistics, data and research, and the part that they play in devising strategies, policies and programmes that will ensure the advancement and protection of persons with disabilities. It has for years been conducting national and statistical surveys on the general status in the country of persons with disabilities, disaggregated by type of disability, gender, age, cause of disability, marital status and urban/rural milieu. Disability has also been incorporated into the censuses that are conducted once every 10 years in Tunisia.

230. With a view to providing up-to-date statistics on persons with disabilities, an information system has been set up that includes data on such persons and the services and programmes that are provided for them. It will be available for use in early 2011.

231. In 2003, a national survey was carried out on the number of persons with disabilities which shows that such persons represent 1.56 per cent of the population. Numerous other surveys have been conducted on certain groups of persons with disabilities, including severely disabled persons living at home, and in 2008 a study was undertaken of deafness and severely disabled persons.

232. Statistics and data are not merely numerical, but also evaluate national programmes that aim to advance persons with disabilities, with a view to improving and making such programmes more productive. Evaluative studies have been undertaken of a programme for income generation for persons with disabilities and a prosthetics programme.

233. Such studies have had a positive impact on programmes and helped to identify any necessary amendments thereto. Tunisia has begun to publish the outcomes of such studies and statistics on its website for persons with disabilities.

Article 32

International cooperation

234. In its efforts to implement the provisions of article 32 of the Convention, that are intended to strengthen international cooperation and support national efforts to achieve Convention goals by consolidating partnerships with international disability organizations, Tunisia involves persons with disabilities and their representative associations in various international cooperation programmes. Agreements have been signed with such regional bodies as the European Union and certain League of Arab States agencies.

235. With respect to cooperation with such international organizations as the World Health Organization, the United Nations Children's Fund and Disability International, aims have included the following:

- To support the national strategy with respect to the scholastic, social and professional integration of persons with disabilities.
- To organize training courses for those entering that field.
- To organize awareness campaigns on disability and persons with disabilities.

236. The various components of international cooperation programmes aim to advance persons with disabilities and support their integration into everyday life by establishing projects that include training, rehabilitation and integration. Social integration projects for persons with mental and hearing disabilities form part of the cooperation between Tunisia and Spain and a similar project ran from 2001 to 2008 under a cooperation arrangement between Tunisia and Italy.

237. Under international cooperation programmes, persons with disabilities are also involved in exchanges with partners and benefit from training and expertise interchange programmes. During 2010, as part of the cooperation between Tunisia and Italy, training courses were held on project establishment and management.

238. Four training courses were held in Italy in 2008 and 2009, in order to consider the Italian experience of the scholastic and professional integration of persons with disabilities and programmes to improve social expert proficiency in the field of disability. Cooperation-related visits have been exchanged with Belgium, France and other countries, with a view to learning about a variety of experiences in respect of training and integrating persons with disabilities. As part of its cooperation with France, Tunisia has established a project that uses animals as a means of education and therapy for persons with disabilities.

239. Currently, the Convention on the Rights of Persons with Disabilities is being used as the basis for various disability-related cooperation protocols and, pursuant to article 32 thereof, was incorporated into the draft protocol concerning the 2009-2011 Tunisia-Italy cooperation programme.

Article 33**National implementation and monitoring**

240. Further to the above article and pursuant to Order No. 3029 of 21 November 2005, Tunisia established the Higher Council for the Care of Persons with Disabilities as the coordinating body within the Government responsible for implementation of the Convention.

241. With regard to the establishment of an independent mechanism to promote, protect and monitor implementation of the Convention, the Higher Committee on Human Rights and Fundamental Freedoms has agreed to undertake that role in its capacity as an independent rights-related body.
