



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

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

Forty-seventh session

Summary record of the 950th meeting

Held at the Palais des Nations, Geneva, on Thursday, 7 October 2010, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fifth and sixth periodic reports of Tunisia (continued) (CEDAW/C/TUN/6; CEDAW/TUN/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tunisia took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Bouhnaq Chihi** (Tunisia) provided the Committee with figures to illustrate the inroads that women had made in decision-making positions in the diplomatic service and the Ministry of Foreign Affairs. She assured Committee members that women and men had equal opportunities when seeking promotion and that a number of organizations, including the Centre for Research, Studies, Documentation and Information on Women and various NGOs, offered training to prepare women for leadership roles, together with guidance on the human rights culture and women's rights in particular. The Tunisian Government had sent senior officials, parliamentarians and groups of young people to training sessions organized by the Arab Women's Leadership Institute, and 18 Tunisian women were currently serving as officials in international and regional organizations, including the United Nations, the African Union, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the League of Arab States.

3. **Ms. Ammar** (Tunisia) said that the question of whether or not the provisions of an article of the Convention in respect of which the Tunisian Government had entered reservations could be applied by judges was highly pertinent at that time. One of the nine female presiding judges serving at Tunisia's Court of Cassation had recently taken a very courageous step by issuing a ruling that ran counter to a long-standing legal tradition rooted in a 1959 decree. The judge had ruled that non-Muslim women should henceforth enjoy succession rights in respect of Muslim husbands, in spite of Tunisia's reservations to article 16 of the Convention, on the grounds that all Tunisian citizens were equal under the Constitution, which was the country's supreme legal instrument. Given the role of case law in guiding legislative developments, that and other rulings would undoubtedly contribute to a change of attitudes, a change in the law and, ultimately, the lifting of Tunisia's reservations.

Articles 10 to 14

4. **Ms. Bailey** said that some of the data on education provided in the main report and the written responses required clarification. Firstly, it was not clear if the enrolment rates given in the written response to question No. 22 of the list of issues were net or gross figures. Furthermore, those figures conflicted with the considerably higher rates given in paragraphs 157 and 158 of the report. The use of overlapping age bands in the main report was also confusing. She would like to have clearly defined net or gross female enrolment rates for the primary through tertiary levels of education.

5. Reports that the State party had focused on providing public education in rural areas because the majority of private schools were in urban areas were a cause for concern, as that strategy could lead to rural-urban disparities in the quality of instruction. The report provided scant information about the causes for the rising dropout rate among female students, although preventive initiatives were mentioned. Were dropouts concentrated in rural areas? Were traditional practices to blame? Was teenage pregnancy a factor? In order

for remedial initiatives to be effective, research into the root causes of the problem was essential.

6. The report also revealed a considerable difference between female enrolment in scientific disciplines at the secondary and tertiary levels; over two thirds of female secondary school pupils took science courses but, at university, the majority of girls studied the humanities. What were the structural or ideological barriers responsible for that divergence? She would also like to know the reason for the low percentage of women in vocational training programmes. Information on those points was of paramount importance for an understanding of trends in employment as well as education. Since only a quarter of the Tunisian workforce was female, and a fifth of that number had no formal education, it could be concluded that Tunisian women were not receiving adequate preparation for employment.

7. **Ms. Pimentel** said that she would like to address the issue of equality in education from a different perspective. The State party's efforts to promote equality through mixed schooling and the use of positive female role models in school texts were commendable but, in her view, not enough was being done to overturn traditional notions of patriarchy and gender. The core of the problem — namely, the patriarchal nature of society and the gender discrimination and violence inherent in that system — must be tackled directly before there could be any substantive progress towards equality. Lastly, noting that paragraph 80 of the report indicated that the Government had not yet settled on a definition of gender-based violence for use in developing a national prevention strategy, she referred the delegation to the definitions contained in the Committee's general recommendations No. 19 and No. 20.

8. **Ms. Arocha Domínguez** said that she would like an explanation for the contrast between the high percentage of girls in education and the low percentage of women in the workforce. The State party had legislated to promote women's access to employment, and it had a national poverty reduction strategy and a modern development model based on highly qualified human capital. Was indirect discrimination therefore to be blamed for the failure to make greater use of female talent? Paragraph 190 of the report indicated that female representation in the workforce had grown only modestly since 1999. Research into the impact of the new legislation was therefore needed to identify the continuing obstacles to women's advancement. Lastly, it would be interesting to know whether the current economic crisis had affected the jobless rates given in paragraph 191, which revealed higher unemployment among women.

9. **Mr. Bruun** said that the State party was to be commended for introducing social security coverage for domestic workers and making part-time work available in the public sector. However, those measures must be combined with increased childcare facilities if women were to be given a real choice. The fact that paid work remained a privilege enjoyed by vastly more men than women was a serious problem, especially with unemployment among female graduates at over 30 per cent. In view of States parties' obligation under the Convention to use "all appropriate measures" to eliminate discrimination in employment, he would like to know how the State party planned to ensure that the legal prohibition on discrimination would be reflected in reality. It would be of interest to learn how the Government was dealing with an apparent shortcoming in Tunisian legislation whereby it was unclear whether the principle of equal pay applied to work of equal value as well as to work of an equal nature. He gathered that that ambiguity had also been taken up by an expert committee of the International Labour Organization (ILO). He also questioned whether the provisions of the criminal code that prohibited sexual harassment were being properly enforced; alternative reports referred to endemic sexual harassment in certain professions where women predominated, yet no cases had been referred to the Labour Inspectorate and there had been no court rulings. Lastly, noting that existing support

measures had not significantly increased women's involvement in entrepreneurial activities, he asked about the State party's future plans in that area.

10. **Ms. Patten** said that she would appreciate clarification on the scope of application of the legislation that extended social security rights to workers in the informal sector, since it appeared that not all categories of non-agricultural workers were covered. Be that as it might be, that law could perhaps be offered as an example of best practice for other countries struggling to regulate the informal economy, in which women were generally overrepresented.

11. Noting that pay schedules were mentioned in the report only in relation to public-sector workers, she asked how wage equality was regulated and how discriminatory practices were prevented in private enterprise. In particular, she wished to know whether women working in the private sector had the right to collective bargaining and whether they were well represented in trade unions. She requested information about the Labour Inspectorate's role in implementing labour legislation and, in particular, on the number of cases concerning employment discrimination that had been brought before the courts. Since it appeared that there was significant occupational segregation, she wished to know whether the State party had a policy on the review of wage structures in female-dominated occupations and which body was responsible for ensuring that pay rises for female workers were instituted. Lastly, she wished to know whether the State party had introduced legislation to address sexual harassment at work and whether it could provide data on the number of cases reported.

12. **Ms. Pimentel** said that she was pleased to note from the combined fifth and sixth periodic reports that the percentage of women using contraception methods had risen. Nevertheless, the availability of such methods did not necessarily guarantee their use and, given the power imbalance between men and women, she would like to know whether existing social relations were addressed when advice on contraception was provided to women and especially to adolescent girls. The Committee had received reports that virginity tests were still carried out in Tunisia. Did the State party envisage adopting a law to prohibit the practice, if it in fact existed? The periodic reports indicated that there were fewer post-natal check-ups than prenatal checkups and that women living in rural areas or with the lowest levels of education were most likely to forgo them. It would be interesting to learn whether the State party had developed public health policies and awareness campaigns, especially in rural areas, in order to inform women of the importance of post-natal and prenatal check-ups for their sexual and reproductive health.

13. **Ms. Rasekh** said that she was pleased to note that some 90 per cent of the population had access to good primary health-care services and that, unlike the situation in some other countries in the region, reproductive health services included treatment for infertility and sterility. Turning to the question of HIV/AIDS, she asked whether there were Government-funded programmes for free distribution of condoms to at-risk populations, including sex workers, and whether antiretroviral treatment was available. Finally, she wished to know whether the health-care system provided mental health screening and services, particularly psychosocial therapy for women who had suffered violence or abuse and for women in vulnerable groups.

14. **Ms. Murillo de la Vega** said that microcredits were an important source of funding for women. She requested details on any ongoing microcredit projects since, according to paragraph 247 of the State party's report, with the exception of a project which had ended in 2009, the microcredit mechanisms referred to were approximately 10 years old. She asked how the Government monitored disbursement of the microcredits and about their intended end use. She wished to know whether microcredits were linked to the Government's development or anti-poverty strategies or to a separate strategy and whether the results of microfinance projects were measured. It would be interesting to learn whether

the Government provided information to assist women in managing their projects and how it ensured that illiterate women, in particular, could benefit from microcredits. Finally, she wondered why, as indicated in paragraph 243 of the report, women had been allocated only 26 per cent of the microcredit funds available.

15. **Ms. Ara Begum**, noting that poverty among older women was often overlooked in rural societies, said that she would like to know how the plight of older women was addressed in the national anti-poverty programmes mentioned in the report. The Ministry for Women, the Family, Children and Older Persons should develop programmes for older women, particularly in the light of the ageing of the population in Tunisia. The Committee would be formulating a general recommendation concerning older women, and States parties would be expected to devote due attention to their human rights. She asked whether the Government of Tunisia had formulated an action plan to protect the human rights of older women and whether it had collected any disaggregated data concerning them.

16. She asked what plans and programmes had been undertaken in response to the Committee's recommendation, presented in its concluding comments to the combined third and fourth periodic reports of Tunisia, that the State party should "further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women" since it was evident that, if women were illiterate, they would be unable to claim their rights. She wished to know what steps the Government had taken to lower the school dropout rate for rural girls and to make maternal and child health services more available to rural women. What action had the Government taken to make cultural and recreational services more readily available to rural women. She wished to learn how rural women who were victims of violence could seek justice and whether legal services and shelters were available in rural areas.

17. **Ms. Zou Xiaoqiao** expressed appreciation for the efforts made by the State party to provide safe drinking water and health services for rural women. She asked about the continuation, objectives and beneficiaries of the programme which it had launched in 2000 to improve the status of women in rural areas. She said that she would appreciate information about rural women's participation in economic and social life and in the cultivation of land, since none had been provided in the periodic report. In 2006, there had been an information campaign on reproductive health which had reached some two thirds of pregnant women living in cities but only about one third of those living in the countryside. What had been done to address that inequity? She wished to receive more detailed information about the isolated rural districts and peri-urban areas which the State party had categorized as *zones d'ombre* ("dark zones") and about what positive steps had been taken in that connection.

18. **Ms. Bouhnaq Chihi** (Tunisia) said that education was both a right and an obligation for all children, without discrimination, in Tunisia. She did not have precise figures on school attendance rates for girls and boys between the ages of 11 and 16, but it seemed that the dropout rate for girls in rural areas might be higher, while more boys left school due to academic failure. Particularly at the secondary level, school attendance by girls in rural areas was sometimes hindered by the distance between their homes and schools, and the Government was therefore working with NGOs to provide transport and even places in boarding schools. The decision had been taken to keep open some secondary schools with low pupil numbers in order to ensure local access to education, even though it represented an additional cost to the State. Support services were being offered in urban and rural areas to keep children at school and to prevent dropouts due to academic failure.

19. Progress had also been made in the field of health care in urban and rural areas. Programmes to raise awareness among women in isolated rural areas about their right to health care and to provide mobile health-care services had been particularly successful. Moreover, new legislation had been enacted in 2010 to improve health-care services for all

Tunisians, including a law that offered incentives to specialist doctors to move to rural areas within the framework of their national service obligations.

20. Within the labour market, women were drawn to certain professions and were consequently in the vast majority in some sectors, such as teaching, medicine and pharmaceuticals. That trend was one reason for high female unemployment. Tunisian employment legislation was non-discriminatory and was not to blame; rather, the problem resided in inadequate career guidance and a desire to find a career that would be compatible with family life. Education was not to blame either, since 60 per cent of undergraduates were women and many women went on to further study. The Government had made every effort to boost female employment; it had, for example, enacted legislation to allow women to work part-time on two-thirds salary, but had received a poor response because part-time work was seen as a barrier to career advancement.

21. Strategies to improve rural women's level of education, access to economic life and health were being implemented and closely monitored by local, regional and national commissions. A key aim was to provide training for rural women in entrepreneurship and project management and to establish a network to enable women to share experiences and set up partnerships. The success of rural women's projects depended on careful monitoring, together with loans secured by NGOs from the Tunisian Solidarity Bank, and assistance and advice from the relevant ministries.

22. **Ms. Alouini** (Tunisia), in response to questions on equal access to education, said that Government policies were showing tangible results, with a significant rise in preschool enrolment, an equal split between girls and boys in overall school enrolment and 97 per cent of children between the ages of 6 and 11 enrolled in primary school. Legislation had been enacted to guarantee equal access to education, with no discrimination whatsoever, including special measures for children with disabilities and children from poor backgrounds. In 2009 the Government had allocated almost 20 per cent of the State budget to education. A number of secondary teachers had received special training and were helping girls make good career choices and were encouraging girls to take sciences and to consider what had traditionally been male-dominated careers. Steps had been taken to ensure that all school curricula and textbooks were free from any form of stereotyping. Indeed, school textbooks, as well as books and the media in general, should highlight equality between men and women in the workplace and show women in non-traditional roles in order to encourage girls to aspire to different careers.

23. **Ms. Bouhnaq Chihi** (Tunisia) said that, under a cooperation agreement signed with the Global Fund to Fight AIDS, Tuberculosis and Malaria and with support from NGOs, a highly successful national programme to combat HIV/AIDS had been launched in 1987. Under that non-discriminatory programme, awareness-raising and prevention campaigns had been conducted and medical and psychosocial care provided for persons living with HIV/AIDS and those at risk. In addition, since 2001, free information and treatment had been offered for all women, including migrant women, sex workers and women prisoners. The programme had contributed to the achievement of zero growth in HIV/AIDS in Tunisia, which had stabilized at 1 in 10,000 of the population, with a male-female ratio of 60:40.

Articles 15 and 16

24. **Ms. Halperin-Kaddari** said that she welcomed the remarkable progress made by the State in guaranteeing women's rights, especially in the area of family law, with the increase in the minimum age of marriage to 18 being one example. Further progress in the advancement of women's rights was being impeded, however, by Tunisia's reservations to several articles of the Convention. The State party's exclusive focus on the provisions of the Koran on women's inheritance rights had been characterized as preventing any other

interpretation or change. Yet there were other views to consider. Islam was not monolithic, and there was more than one school of Muslim jurisprudence. Tunisia had served, and continued to serve, as a model in the region owing to its position on various issues, such as the prohibition and criminalization of polygamy. She therefore urged the State party to lift its reservation to article 16 (h), especially as the lack of inheritance rights was a major cause of poverty among women in Tunisia.

25. As to the question of the distribution of property in cases of divorce, she was concerned that legislation passed in 1998 on community property had not set up a regime for the sharing of marital property as such but only gave spouses the option to do so, with separate property being the norm. Women who were unaware of the option, or afraid to voice their opinion, could not benefit from the more egalitarian regime. Moreover, separate property regimes were not in line with article 16 of the Convention or the Committee's general recommendation No. 21. She requested clarification on whether or not intangible assets such as income, pension and other work-related benefits were taken into account when assessing community property.

26. While Tunisia had not made a reservation to article 16 (b), a Tunisian Muslim woman who wished to marry a non-Muslim could do so only outside of the country. She requested clarification on whether such marriages were regarded as valid and were officially registered in Tunisia. She asked for further information on the civil status and rights of such women and their children and of women in de facto unions.

27. **Ms. Ameline** said that legislation to ensure equal inheritance was fundamental to women's economic security. Traditional practices that undermined women's rights, such as the use of dowries, although now only symbolic, nonetheless represented continuing inequality between spouses. She questioned whether current Tunisian legislation truly ensured equality and suggested that a review of family law provisions might be appropriate.

28. **Ms. Salah** (Tunisia) said that great strides had been made towards aligning inheritance law with the principle of gender equality. Four changes in the law were particularly noteworthy: a daughter could now inherit her parents' full estate if she was the sole heir; under the obligatory inheritance regime, the child of a predeceased son or daughter could inherit his or her share of the bequest; community property provisions had been introduced in 1998; and close relatives no longer had to pay death duties. Furthermore, Tunisia's case law upheld the constitutional principle whereby international treaties took precedence over domestic law in inheritance-related and other matters.

29. The Personal Status Code contained nothing to prevent marriages between Muslims and non-Muslims. Women were entirely free to choose their spouse, and changes in family law had made marriages more of a partnership. Couples shared responsibility for child-rearing and must work together in acting in the best interests of their children in all areas, including education and financial matters. If a marriage were to end, a judge would decide who was best placed to look after the children.

30. **Ms. Pimentel** sought clarification as to whether the provision in the Personal Status Code under which the husband was the head of household and held power over its members had been rescinded. That type of provision was a symbol of patriarchy and should be expressly eliminated.

31. **Ms. Halperin-Kaddari** said that she wished to know whether it was true that, in the case of marriages between Muslims and non-Muslims who did not convert, registrars were applying a circular dating back to 1973. The Committee had received disturbing information indicating that when women judges had attempted to participate in professional associations, steps had been taken to limit their rights, and she would appreciate clarification on that point.

32. **Ms. Belmihoub-Zerdani** said that Tunisia's optional and voluntary community property regime had apparently strengthened women's property rights. That kind of system, which was rare in Islamic countries, safeguarded women's interests during marriage and in the event of its dissolution. She would welcome the preparation of a study that could serve as a basis for recommendations regarding personal status provisions for other countries that applied Islamic law.

33. **Ms. Awori**, referring to the campaign to combat violence against women entitled "Tearing down the walls of silence", said that she wondered whether the reason why the State party received so few complaints of sexual violence was that, out of fear, women did not report such incidents. She was concerned that the delegation did not appear to see the need for a comprehensive law on domestic violence and sexual offences.

34. **Ms. Bouhnaq Chihi** (Tunisia) said that, with the amendment of the Personal Status Code, spouses shared responsibility for child-rearing, but Tunisians had decided that the husband should remain the head of household. No institution had two heads; there was always one leader.

35. Progress had been made in providing social security coverage to working women. In 2005, it had been extended to women who worked at home and, under the Presidential Programme for 2009–2014, the already high rate of coverage would be increased further. There was no wage discrimination. It was true, however, that competition for jobs at times obliged men or women to accept employment for which they were overqualified. Clearly, if people accepted less skilled jobs, they would be paid a lower wage. That was not a case of sex discrimination, however, but simply the consequence of an insufficient supply of jobs.

36. Tunisia had a legal arsenal for the penalization of sexual harassment, regardless of where it took place, and a specific law focusing on harassment in the workplace was thus unnecessary. However, perpetrators of such acts could not be prosecuted or penalized unless victims reported them. A great deal of work remained to be done to raise awareness about the importance of ensuring that women were able to exercise their right to protect their integrity.

37. There was no prohibition on marriage between a Tunisian and a non-Muslim, and women who married non-Muslims could pass on their nationality to their children even if they were born outside Tunisia.

38. Under the strategy for combating violence against women, whether it occurred in the home or in society at large, victims enjoyed access to medical, mental-health, psychological and social services. The Organization of Arab Women and the First Lady of Tunisia had had the courage to break the silence about domestic violence against women, not just in Tunisia, but around the globe, and they were calling upon the world community to face up to the problem.

39. The community property regime provided a supplementary guarantee for women's rights within the family, which was why it was voluntary and optional. The authorities were obligated to notify women of that option at the time that their marriage contracts were being drawn up so that they could make an informed choice. In addition, the Ministry of Women's Affairs, the Family, Children and Older Persons had launched a programme in 2010 to educate young people about their marital rights and duties. The family was an institution that could not be allowed to fail, for it was at the very core of Tunisian society.

40. She thanked the Committee for the frank and sincere dialogue which had taken place and assured the experts that their observations would be given careful consideration. All stakeholders in Tunisia, including the President and First Lady, the Committee on Human Rights and Fundamental Freedoms, and civil society were resolved to reinforce women's rights and to combat all forms of discrimination against women.

The meeting rose at 5 p.m.