



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

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

Twenty-seventh session

Summary record of the 565th meeting

Held at Headquarters, New York, on Friday, 14 June 2002, at 10 a.m.

Chairperson: Ms. Abaka

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Combined third and fourth periodic reports of Tunisia

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The meeting was called to order at 10.10 a.m.

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

Combined third and fourth periodic reports of Tunisia (CEDAW/C/TUN/3-4, CEDAW/PSWG/2002/II/CRP.1/Add.3, CEDAW/PSWG/2002/II/CRP.2/Add.2)

1. *At the invitation of the Chairperson, Ms. Ben Romdhane, Ms. Ben Yedder, Mr. Khemakhem, Mr. Mejdoub and Ms. Zorai (Tunisia) took places at the Committee table.*

2. **Ms. Ben Yedder** (Tunisia) said that the change of Government of 7 November 1987 had ushered in a new era in women's rights in Tunisia, owing to the determination of the President to consolidate those rights within the framework of a comprehensive development approach. Since then, Tunisia had made major advances in the promotion of women by implementing a comprehensive and pioneering strategy where democracy and development were closely related and solidarity and tolerance were complementary values. Its strategic approach to women's rights was based on the principle of effective partnership between women and men in the management of family affairs and child-rearing, as well as in employment, work, social security and all areas of civil and economic relations. The comprehensive system of mechanisms and programmes included the National Women and Development Commission, a specific strategy within the Eighth National Development Plan (1992-1996), and the National Council for Women and the Family.

3. Tunisia had responded to the recommendations issued by the Committee following the consideration of its initial and second periodic reports in 1995 by attempting to incorporate them, along with the Beijing Platform for Action, into the strategy for the promotion of women included in the Ninth National Development Plan (1996-2001). Breakthroughs included the establishment of a committee on equal opportunity to monitor compliance with legislation, a commission for monitoring the image of women in the media within the National Council for Women and the Family, and a committee for the promotion of rural women.

4. Some of the pioneering legislation introduced since 1995 included joint ownership of property for

couples, to strengthen the principle of partnership within the family; granting women the right to give their own family name to children born of unknown fathers or to request a paternity test; granting Tunisian women married to non-Tunisians the right to transmit Tunisian nationality to children born outside the country; granting children born of a Tunisian mother and a non-Tunisian father the right to vote; and removing all provisions discriminating against women from the Commitments and Contracts Code.

5. Tunisia was proud of its success in achieving equal rights for men and women in many sectors, including education. School enrolment for six-year-olds, both boys and girls, was currently 99 per cent, with 92.2 per cent of girls aged 6 to 12 in school, the same rate as for boys. The female dropout rate had decreased considerably as well. The eradication of illiteracy was one of the main objectives of the development programme, and female illiteracy rates had dropped to 36.2 per cent in 1999, with the goal of reducing the rate to 20 per cent by 2004.

6. Promoting the economic capacity of women by facilitating their access to vocational training and encouraging them to set up their own small businesses was one of the highest priorities. The number of women benefiting from microcredit had increased threefold in the past four years. Women had gained access to all fields of employment and public life, and the proportion of employed women had reached 25 per cent in 2000. In order to protect them from marginalization, the national strategy included activities to promote rural women. There had also been a dramatic increase in women's access to decision-making positions, with increases in their presence in the Chamber of Deputies and local government positions, which reflected the deeply-rooted belief that democracy could not be achieved without women.

7. The Government attached great importance to the issue of violence against women, both verbal and physical, even though the phenomenon was not widespread in Tunisia. The Personal Status Code and the Code of Criminal Procedure had been amended to increase penalties for spousal abuse. In addition, services to battered women had improved, and surveys had been conducted on the impact of violence on the family. The increasing number of women's associations had played a major role in the comprehensive development effort, complementing the mechanisms to monitor the status of women. A national programme to

provide gender-disaggregated statistics in all areas had been launched.

8. Promoting women's rights was a constant challenge for Tunisia, and in his 1999 Agenda for the Future the President had asserted that achieving equal status for men and women was one of its major targets. Her Government believed firmly in the importance of international cooperation in promoting the status of women and therefore welcomed the dialogue with the Committee.

Articles 1 to 6

9. **Ms. Manalo** commended Tunisia for its comprehensive and substantive report. There appeared to be strong political will on the part of the Government to implement the Convention through the Constitution, laws and programmes. The definition of discrimination in the Constitution and the Personal Status Code, which introduced the concept of partnership in marriage, were major achievements. She was pleased to hear that the Government was working to remove its reservations to the Convention, but regretted that there had been no information on action to ratify the Optional Protocol. The national machinery, including the Ministry for Women and Family Affairs, was very impressive.

10. However, she still had some concerns regarding trafficking in women and prostitution. The difference between authorized and clandestine prostitution should be explained. Regarding domestic violence, the Penal Code stated that assault on a wife or child was punishable, but no specific law defined domestic violence; she would welcome clarification of the laws in that area.

11. **Ms. Corti** commended Tunisia for the excellent report, and for the many powerful achievements of that country in the area of women's rights, which included integrating women into the development process, reducing illiteracy among young women, enhancing the status of women in the family, lowering maternal mortality, improving women's health, introducing equality into marriage, eliminating obedience provisions, abolishing polygamy, granting divorce rights to both spouses, granting women the right to institute legal proceedings, and ensuring the inheritance rights of women. In addition, she praised the State party for its approach to abortion, which took

into consideration health and social concerns, such as infanticide and the abandonment of children.

12. She wondered, however, why Tunisia had not yet withdrawn its many reservations to the Convention.

13. **Ms. Shin** said that she too welcomed the legal reforms introduced by Tunisia, and regretted that its reservations to the Convention had not been withdrawn. In its answer to question 4 on the list of issues, the Government stated that Tunisian law did not recognize suits brought by women victims of discrimination. That constituted a failure to guarantee the equal rights of women, and contravened the terms of the Convention.

14. She enquired what measures the Government had taken to evaluate the ninth economic and social development plan, and whether a tenth plan had been established. In addition, she would like to know whether women's groups that were critical of government policies and programmes had freedom of action, and whether measures were taken to sanction government actors that intruded in their activities.

15. **Ms. Açar** praised Tunisia for adopting creative and effective methods of empowering women, in particular for introducing reforms into Shariah law. She had been gratified to learn that the State party did not believe that the work of achieving equal rights for women was finished. Additional amendments to the Personal Status Code would, for instance, make it possible for Tunisia to withdraw its reservations to article 16 of the Convention.

16. The Tunisian female population consisted in part of highly educated women with professional careers and in part of illiterate women unaware of their rights. The Government should make use of the energy and skills of educated Tunisian women to bring about fundamental change; such women could, in addition, serve as role models for other women. Tunisia should strive to provide an enabling environment for non-governmental organizations committed to the attainment of women's rights.

17. **Ms. Goonesekere** said that the Tunisian Personal Status Code had been a source of inspiration for other Muslim countries since its adoption almost half a century previously. She commended Tunisia, in particular, for the holistic approach it had taken to law and policy, and for the strides it had made in the areas of education, health and nationality law.

18. She enquired whether the Government had contemplated strengthening its constitutional mechanisms and principles in order to further advance women's rights. She would also like to know what was the status of international human rights instruments, in particular the Convention, under Tunisian law and whether the Government was contemplating the introduction of a broad concept of discrimination in the Constitution or the domestic law.

19. It would also be useful to know whether the Constitution contained any specific prohibition of torture; and whether there were constitutional mechanisms that could be invoked to challenge the abuse of State authority. In that regard, she wondered whether Tunisia had established a system to prevent custodial violence, whether there were any limits on periods of detention, and whether any cases of custodial violence had been prosecuted. Lastly, she would like to know whether the Government had instituted human rights training for members of the judiciary, and whether it was contemplating the creation of independent human rights mechanisms.

20. **Mr. Mejdoub** (Tunisia) said that the attainment of women's rights was a dream that was becoming reality in many parts of the world. Tunisia had indeed undertaken radical reforms, and Tunisian society had consequently undergone significant changes. It was no exaggeration to say that the new generation of Tunisians were the most liberated in the Muslim world. Achieving women's rights entailed the difficult task of reinterpreting and redrafting law. The public, however, fully supported such objectives. The attitudes and views of Tunisians had changed; there was no returning to the past.

21. Responding to Ms. Goonesekere's questions regarding the prospect of Tunisia applying a broader concept of discrimination, he mentioned that a 1997 law had prohibited the establishment of political parties based on religion, gender, level of education or language. Article 8 of the Constitution was binding on everyone. With regard to associations, positive discrimination was allowed, but not if it undermined national groups. With regard to custodial abuse, an article of Tunisia's Criminal Code criminalized such practices and adopted the definition of torture contained in the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and further provisions criminalizing torture had been introduced in 1999.

There were indeed other human rights mechanisms. The judiciary was wholly independent. Tunisia also had a human rights committee, a consultative body of individuals well versed in the law and human rights matters. Its functions included receiving complaints from individual citizens, including complaints of violence against women detainees. If such incidents occurred, the Ministry of Justice would open investigations.

22. With regard to detention, Tunisia had *garde à vue* (police custody) and *détention préventive* (pre-trial detention). Police custody was limited to three days, with a possible extension to six days. In addition, a distinction was drawn between misdemeanours and crimes. In the case of misdemeanours, detention was limited to six months, with a possible extension to nine months. In the case of crimes, detention was limited to six months, with two possible extensions of four months each, giving a total maximum of fourteen months. The limits allowed time for investigations to be conducted, and were compatible with Tunisia's international obligations.

23. **Ms. Ben Romdhane** (Tunisia) thanked the Committee for its positive assessment of the progress Tunisia had made in implementing the Convention. Responding to Ms. Corti's question regarding the relationship between Tunisia's political will to implement the Convention and its reservations to that instrument, Tunisia's approach was one of combining the enacting of new legislation enshrining women's rights with the establishment of an institutional framework to translate the enjoyment of those rights into action. The Ministry for Women and Family Affairs worked in partnership with non-governmental organizations to promote women's political, economic and social rights. The Ministry also relied on three other bodies: the National Council for Women and the Family, which brought together government and non-governmental representatives and acted as a forum for democratic dialogue on all issues connected with promoting women's rights; the Centre for Research, Documentation and Information on Women (CREDIF), which specialized in gender analyses; and the National Women and Development Commission, which determined the broad lines of national strategy for women's rights within the National Development Plans. It was able to draw on the budget of the Ministry for Women and Family Affairs and the budgets of other ministries involved in development. The Ministry for

Women and Family Affairs had a communications strategy designed to develop the translation into action of women's rights, with a focus on changing attitudes. It would be able to pave the way for withdrawal of the country's reservations to the Convention. The strategy's first aim was to give women's rights better visibility. A key opportunity was provided by National Women's Day, a holiday celebrated on 13 August every year, but Tunisia also celebrated International Women's Day, International Rural Women's Day, and the International Day of the Family, and had a National Day of the Family. The strategy's second aim was to spread a culture of human rights, targeting families (as the cradle of women's rights as citizens) and young people (as the adult men and women of the future). The strategy's third aim was to combat sexist stereotypes, particularly in the media. A programme to achieve that aim had been launched in 1999 under the ninth National Development Plan. A Presidential prize was awarded for giving a balanced portrayal of women in the media.

24. With regard to evaluating the results of the various programmes, the National Women and Development Commission and the National Development Plans' women's affairs strategy both provided for regular assessment of progress. The eighth National Development Plan's strategy had served as a basis for the ninth National Development Plan's strategy, which had also taken account of the Beijing Platform for Action and the Committee's recommendations. That in turn had given way to the ninth Plan, which had two priorities: to promote women's role in the knowledge society and their access to new technologies; and to promote women's role in economic development, to improve their vocational qualifications and to give them greater access to credit and enterprise. An evaluation of the ninth Plan had served as a basis for a more ambitious plan, which had included the establishment of a National Committee for Rural Women including regional representatives of various sectors of the economy and regional representatives of non-governmental organizations. Women in rural areas had been closely involved, to ensure that proposals matched their needs and local circumstances. The best projects and programmes to promote the interests of rural women received a Presidential prize. The new plan would also be focusing on women and girls with special needs, such as teenagers at risk of delinquency, young mothers, handicapped women, migrant women, illiterate women

and women victims of violence. Studies commissioned by CREDIF and by the Government had provided guidance for new, better-targeted pre-programme activities.

25. At the beginning of 2002, the Ministry for Women and Family Affairs had launched a large-scale survey on violence against women within the family and society, following a survey on the socialization of children which had already provided insights into the phenomenon. Figures had confirmed that, while domestic violence existed in Tunisia as it did in all societies, it had not assumed alarming proportions. That notwithstanding, violence in any form, whether verbal or physical, was of course unacceptable.

26. Women's presence in civic and political life was a central concern of the communications strategy of the Ministry for Women and Family Affairs, and there was considerable political will in that connection. There were five women in government, and efforts to expand women's involvement would continue. Communication efforts had also targeted families, to promote equality and interchangeability of men's and women's roles.

27. Responding to Ms. Açar's comment about the existence of two groups of women in Tunisia, she said that women in rural areas had shown that they were both combative and modern, being characterized by their dynamism and adaptability. There were certainly differences in levels of education, but that had not necessarily been a bar to an active life. The assistance of the media as allies in promoting equality had played a major part in promoting women's rights in remoter areas. The goal was to have at least two women on every regional development council. However, it was also important to remember that, while Tunisia's population had been 30 per cent urban and 70 per cent rural at independence, by 1994 the proportions had reversed.

28. **Ms. Saiga** said that she was encouraged to hear that Tunisia had a strong political commitment to equality. She noted that the country's political parties could not be founded on the basis of religion, language, race or gender and wondered therefore whether there could be no women's parties. She also asked for further explanation of the information on families' transition from a traditional approach to a more modern approach, and of the matter of Tunisian law not recognizing lawsuits brought by women victims of discrimination.

29. **Ms. Myakayaka-Manzini** welcomed the progress Tunisia had made to guarantee equality between men and women, particularly through legislative change regarding matters such as polygamy, divorce and the minimum age for marriage. Changing laws did not automatically change behaviour, however, and could in fact drive some phenomena underground, making them more difficult to monitor. Tunisia's replies had indicated that women could not bring lawsuits for discrimination, but that women, like all victims, had the right to appeal to various jurisdictions and non-judicial public authorities. She asked whether that avenue was in fact open to women, and what the outcome of appeals had been in terms of remedies or redress. In view of the small number of women in decision-making structures, she asked whether the Government had considered taking further steps, such as introducing quotas. With regard to violence against women, an issue which had taken time to deal with in all societies, she welcomed the fact that a survey had been launched. She wondered whether Tunisia planned to introduce a comprehensive law based on CEDAW recommendations and the United Nations Vienna Declaration to deal with domestic violence, sexual harassment, spousal rape and other phenomena, to protect women and ensure that they reported such occurrences.

30. **Ms. Tavares da Silva**, while commending the Tunisian Government on legislative amendments to reinforce penalties against domestic violence, referred to paragraphs 261 and 285 of the report, which cited silence and conciliation as a means of preserving cohesion within the family. Such a philosophy underestimated the implications of violence, and she questioned the value of silence in instances of abuse and the principle of according greater priority to the protection of society than to the protection of women against violence.

31. With respect to article 6, the report contained no information on trafficking in women. It was not sufficient for the Government to sign and ratify international instruments, without formulating a national strategy aimed at rehabilitating and supporting the victims of trafficking and prostitution.

32. **Ms. Gaspard** said that she was impressed by the long-standing involvement of Tunisian women and men in the fight to eliminate discrimination, and praised Tunisia's unique status in the Arab world in the promotion of equality and women's rights. However,

she shared the concerns expressed by other experts with regard to the reservations to articles 2, 15 and 16, asking whether it was possible to withdraw those reservations in order to advance issues such as equality and inheritance rights, which had economic and development implications of interest to both men and women. She referred to paragraph 298 of the report and said that Tunisia's approach seemed to both authorize and penalize prostitution. She therefore asked the delegation to comment on the Government's activities aimed at preventing prostitution and curbing trafficking in women.

33. **Mr. Khemakhem** (Tunisia) said that section 8 of the Tunisian Constitution explicitly prohibited the creation of a political party based on language, religion, ethnicity or similar criteria. Furthermore, all parties were required to make a commitment to reject all forms of violence, extremism or other discriminatory practices. In addition, under the provisions of national legislation, women were allowed to lodge complaints of discrimination with the public authorities. Apart from a female ombudsperson, there were several high-ranking women in the Tunisian judiciary, and several established mechanisms for the delivery of justice and legal remedy. He further referred to the comprehensive study on domestic violence, previously mentioned by Ms. Ben Romdhane, and assured the Committee that his Government would take all appropriate measures to curb domestic violence.

34. With regard to the adoption of conciliatory measures in settling family disputes, he said that many countries, including in Europe, considered conciliation a desirable alternative to the imposition of classic penal measures. Victims of domestic violence had to be respected and their welfare protected, and the interests of society and the family should not take precedence over the interests of women. The policies and legislation of the Tunisian Government in that regard sought to strike a balance in prescribing penalties, while allowing a certain leeway for the consent and free will of victims through reconciliation.

35. Tunisia had ratified the United Nations Convention against Transnational Organized Crime and there were a number of provisions in national legislation which criminalized trafficking in women and exploitation of women. With regard to rehabilitation of the victims of prostitution and trafficking, he said that his Government recognized

that reliance on prison rehabilitation programmes was not enough; there was therefore constructive cooperation between civil society and the Government to provide support to the victims of such exploitation. Non-governmental bodies enjoyed the freedom to challenge the Government and to provide positive criticism where necessary.

36. **Ms. Ben Romdhane** (Tunisia), in response to a question posed by Ms. Saiga on the transition of families from the traditional to the modern model, said that recent research had shown that only 21 per cent of households adhered to the traditional structure. A higher proportion were actually in transition to a modern and democratic pattern, wherein the family, guided by concepts of human rights, played a preponderant role.

37. In terms of women's access to decision-making positions, Tunisia employed a method which amounted to a quota system with regard to elected posts of authority. As to decision-making powers in the administration, significant progress had been made in recent years: from a 5 per cent level in 1994, it was expected that 2002 figures would surpass the 1998 level of 14 per cent. The Government had pursued a policy of encouraging the public sector to recruit and promote women throughout the service whenever possible.

38. Turning to the concerns raised under paragraph 298 of the report, she said that activities aimed at raising awareness of young women engaged in clandestine prostitution focused on health issues, particularly with regard to prevention of HIV/AIDS infection and other sexually transmissible diseases.

39. **Ms. Zorai** (Tunisia) said, in response to Ms. Myakayaka-Manzini's query regarding reforms and deeply-rooted modes of behaviour, that Tunisia had sought to develop effective policies to eliminate all forms of discrimination. Taking into consideration the cultural and religious basis for the deep-rooted patterns of behaviour, in formulating its legislative and other reforms the Government had adopted a gradual approach to counter such behaviour in order to ensure effective implementation of its laws.

40. **Ms. Ben Yedder** (Tunisia) confirmed that Tunisian women were well represented in the Government. Further testimony to changing attitudes towards women was the fact that portfolios which had

been traditionally reserved for men were now being assumed by women.

41. As regards family structures, studies had shown that between 47 and 50 per cent of Tunisian families were in transition to the modern model. The Government supported mutual respect within families, implemented laws to promote equality and tried to change previously held discriminatory attitudes.

42. She noted the suggestion that her Government should withdraw its reservations to the Convention, and assured the Committee of Tunisia's political will to implement the instrument in all its aspects.

The meeting rose at 1.05 p.m.