



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-seventh session

4 - 22 October 2010

### List of issues and questions with regard to the consideration of periodic reports

#### Tunisia

The pre-session working group considered the combined fifth and sixth periodic report of Tunisia (CEDAW/C/TUN/6).<sup>1</sup>

#### General

1. The report indicates that various ministries, civil society, parliamentarians, university professors and others were involved in the preparation of the report (para. 2). Please clarify the nature and extent of their participation, indicate who coordinated the preparation of the report and whether the report was also presented to, and adopted by any designated high-level authority.

2. The report does not provide information and data on Amazigh and sub-Saharan African populations. Please provide information, including statistics relating to the areas covered by the Convention, on women from ethnic or other minorities, indicate whether such women face multiple forms of discrimination and the measures that have been taken to address any discrimination which they may be subject to.

#### Reservations and discriminatory laws

3. Please clarify the scope of the State party's reservations to articles 9, paragraph 2, 15, paragraph 4, 16, paragraph 1 (c), (d), (f), (g) and (h), and 29, paragraph 1, of Convention, and describe the impact of these reservations on the practical realization of the principle of equality between women and men, as required under article 2 (a) of the Convention. The report indicates that the initiatives taken at national level will with "no doubt contribute to a review of the reservations" to the Convention in the near future (para. 33). Please indicate the time frame for the full harmonization of Tunisia's legislation with the Convention and the withdrawal of Tunisia's reservations to the Convention.

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<sup>1</sup> Paragraph numbers in brackets refer to the State party report published under symbol CEDAW/C/TUN/6.

**Legal status of the Convention, definition of discrimination**

4. The report indicates that the Convention take precedence over domestic law and is directly enforceable by judges. Please clarify whether under the Tunisian legal system, in situations of conflict between domestic laws and international treaty obligations, international treaty obligations take precedence over domestic laws.

5. The Committee, in its previous concluding observations urged the State party to incorporate the definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, in its national legislation (A/57/38, para. 192). However, the report states that “the Constitution contains no definition of discrimination against women or any specific wording prohibiting discrimination against them” (para. 14). Please indicate whether an amendment of the Constitution is envisaged to incorporate a definition of discrimination against women in line with article 1 of the Convention and if there are any obstacles to such an amendment. If so, please indicate what they are and how the State party intends to overcome them.

6. Please provide statistical data on the number of cases involving discrimination against women that have been reported to the Superior Committee on Human Rights and Fundamental Freedoms since its creation in June 2008, and outcome decisions of these cases. Please specify whether the Superior Committee on Human Rights and Fundamental Freedoms has the mandate to examine cases of discrimination on the grounds of sex and gender in employment, and in public and private life, including discrimination against particular vulnerable groups. Please also provide information on the number of complaints and petitions from women registered by the Ministry of Women’s Affairs, the Family, Children and Older Persons (MAFFEPA) citizens’ relations bureau mentioned in paragraph 65 of the report.

**Visibility of the Convention and Optional Protocol**

7. The State party’s mentions in its report (paras. 20-29) the considerable efforts made to intensify education and training programmes to enhance the knowledge of the Convention to the judiciary and law professionals, as recommended by the Committee in its previous concluding observations (A/57/38, para. 193). Please indicate whether actions have also been taken to raise awareness of women, in particular the ones belonging to ethnic and other minority groups, of their rights under the Convention and to encourage them to seek redress against discrimination. Furthermore, please indicate whether the Committee’s general recommendations have been translated into the official language and the other languages used in the State party and provide information on the compliance of the State party with its obligation to make widely known and to give publicity to the Optional Protocol to the Convention to which Tunisia is a party since 2008.

**National machinery for the advancement of women**

8. The report indicates that the prerogatives of the MAFFEPA have been expanded in 2002 and 2004 to cover children and older persons and that seven regional districts have been created to optimize the Ministry’s interventions in the regions (para. 34, bullet 8). Please clarify whether other focal points or units dealing with women’s rights exist elsewhere within the governmental framework and what their functions are. Please indicate the percentage of the national budget allocated to the Ministry and explain if its financial and human resources have increased with the broadening of its prerogatives.

9. Please explain what is the relationship between the MAFFEPA and the National Council of Women, the Family and Older Persons (CNFFPA) and between the CNFFPA and the MAFFEPA/NGO partnership as regards cooperation with non-governmental organizations (NGO)? Do NGOs receive financial assistance to perform the tasks

commissioned by the Ministry? Please clarify if women's NGOs can obtain official registration and legal recognition and can operate freely if they are not members of the CNFFPA and therefore do not benefit from partnerships with the Ministry.

10. The report is silent with respect to any national action plan for the promotion of gender equality, the implementation of the Convention and/or the Beijing Declaration and Platform for Action. Please indicate whether such a plan of action is in place or is being considered.

### **Violence against women**

11. The Committee, in its previous concluding observations, urged the State party to devise a structure for systematic data collection on all forms of violence against women (A/57/38, para. 195). In its report, the State party indicates that a national database is being created in the framework of the 2007 "National Strategy to prevent violent behaviour in the family and society, gender-based violence, violence against women". Please indicate whether the database mentioned in paragraph 81 of the report already exists and whether the national survey on the prevalence of gender-based violence in Tunisia mentioned in paragraph 83 has already been conducted. Please provide statistical data on violence against women, including domestic violence, sexual violence and violence against women in detention centres and prisons, and indicate the incidence and trends in violence against women, including information on prosecutions, convictions and penalties imposed on perpetrators of violence.

12. Please explain whether a domestic violence law which would include marital rape is being considered as recommended by the Committee in its previous concluding observations (A/57/38, para. 196).

13. The report notes that law No. 2004-73, amending and supplementing the Penal Code adopted in 2004 punishes sexual harassment with one year of imprisonment and a fine of 3,000 dinars (para. 30). Please indicate whether this law has already been used in court proceedings and clarify why the punishments foreseen for sexual harassment are harsher than for violation of physical or mental integrity, which is punished with one year of imprisonment and a fine of 1,000 dinars (article 218 of the Penal Code).

14. The report is silent on measures taken regarding the provisions of the Criminal Code which allow, in cases of domestic violence, for the immediate termination of any proceedings, trial or enforcement of a penalty, when the spouse, victim of the assault, withdraws her complaint and which provide that the marriage of the perpetrator of a rape with a victim under 20 years old at the time of the crime, terminates any proceeding or nullify the conviction. Please indicate any legislative and other measures envisaged to bring these provisions in conformity with the Convention and the Committee's general recommendation No. 19 and ensure that perpetrators of rape are duly prosecuted and punished and that women who have suffered rape are adequately rehabilitated and compensated.

15. Please provide information on the availability and the resources provided to shelters and rehabilitation centres for women victims of domestic violence through the country. Please indicate whether courts can issue temporary protection orders for victims of family violence.

16. The report is silent on restrictions, harassment and even violence against women wearing the hijab in public. Please provide information in this regard.

**Trafficking and exploitation of prostitution**

17. Please provide information on the prevalence of trafficking in women and girls for purposes of sexual and economic exploitation. Please describe measures taken at the national level to prevent and punish trafficking in women and girls, including information on the enactment or consideration of any specific legislation to combat trafficking, as well as on other mechanisms at the national level. Please also provide information on measures taken to provide specialized training on trafficking for members of the police, border guards, lawyers and the judiciary and give information on the effectiveness of these measures.

18. Please provide statistics, if available, on the number of women and girls engaged in prostitution either clandestinely or in legally authorized brothels (“houses of tolerance”). Please describe laws and measures adopted to prevent and punish the exploitation of prostitution, in line with article 6 of the Convention, and measures taken to provide rehabilitation and support for the social rehabilitation of women who wish to leave prostitution. Please elaborate on the apparent contradiction between the legal ban on prostitution and the existence of legally authorized brothels.

**Political participation and participation in public life**

19. Please provide updated figures on the participation of women in the 2009 legislative elections, either as voters or as candidates. Please provide a comparative chart indicating, for each political party, the number of women candidates and women elected in the 2004 and 2009 legislative elections.

20. The report indicates (that “during the period covered by the 11th Development Plan (2007-2011), the goal is to bring the proportion of women in decision-making positions to a minimum of 30 per cent” (para. 120). Please explain the measures taken to achieve this goal and indicate if any temporary special measures have been implemented or envisaged, as recommended by the Committee in its previous concluding observations (A/57/38, para. 199).

**Nationality**

21. Please indicate whether the State party envisages repealing the remaining provisions discriminating against women pertaining to the acquisition of Tunisian nationality.

**Education and stereotypes**

22. Please provide data and information on the education levels and access to education of women and girls from rural areas, women with disabilities, women belonging to minority groups, including women from the Amazigh communities, and non-nationals.

23. The report indicates that “teaching guidelines have been issued for the authors of school textbooks and children’s books, with a view to eliminating all degrading and disparaging comparisons between women and men and between girls and boys” (para. 47). Please indicate whether textbooks, curricula and teacher training for primary and secondary schools have been reviewed to eliminate stereotypical attitudes about the roles and responsibilities of women and men and to encourage girls to participate in non-traditional educational, vocational, or professional streams, and to open to women and girls all areas of study in the scientific and technical areas. Please also indicate the results achieved so far through the implementation of the 2007-2011 Gender Training Programme for journalists.

## Employment

24. In its previous concluding observations, the Committee expressed concern about the absence of a labour legislation prohibiting discrimination on the basis of sex with regard to the private sector (A/57/38, para. 200). Please indicate whether such legislation has been enacted or is under consideration and if so, please clarify if it prevents direct and indirect discrimination in labour relations, in particular as regards the working conditions, remuneration for work and occasion for career or other promotion in employment.

25. Please provide sex-disaggregated data on wages, pensions and social rights, as requested by the Committee in its previous concluding observations (A/57/38, para. 201).

26. Please provide sex-disaggregated data on part-time work, and describe whether in part-time work there is a proportional payment of social benefits.

27. Please provide statistical information about the number of women working in the informal sector as compared to the formal sector, and the areas of work in the informal sector where women are mostly found.

28. The report provides data about the female workforce by level of education (para. 192). Please explain why the employment rate of women with no schooling, primary or secondary education is higher than the employment rate of women with post secondary education.

## Health

29. The report indicates that the “11th Development Plan (2007-2011) stresses the need to give greater attention to women’s specific health needs by reducing maternal mortality to below 35 per 100,000 live births, assuring 100 per cent assisted childbirth, reducing infant mortality to below 15 per thousand live births, and neonatal mortality to below 10, bringing the prevalence of iron deficiency anemia among pregnant women from its current rate of 14 per cent to below 10 per cent, and promoting women’s mental health” (para. 226). Please provide updated information and statistical data on the implementation of these objectives. The report indicates that the health coverage has improved noticeably in the State party (para. 200). Please provide updated data disaggregated by sex, region and urban/rural areas on women’s access to health care services.

30. Please indicate whether the HIV/AIDS national programme includes a gender perspective and whether any concrete measure has been developed with regard to women of high-risks groups, such as migrant women and women practicing prostitution.

## Family relations

31. The report indicates that “the succession rights of Tunisian women have been significantly improved with the introduction of several legislative mechanisms” (para. 335). Please indicate whether all discriminatory provisions of the Personal Status Code with regard to inheritance, including articles 192, 101(1), 101(2), 102(1), 102(2), and 104, have been amended. Please also provide information on steps taken to ensure equality between women and men in other matters of personal status, in particular regarding dowry, marriage, divorce, child custody and guardianship.

## Amendment to article 20, paragraph 1

32. Please indicate what progress has been made towards acceptance of the amendment to article 20, paragraph 1, of the Convention, pertaining to the Committee’s meeting time