



**Convention on the Rights
of Persons with Disabilities**

Distr.: General
28 June 2019
English
Original: Arabic
Arabic, English, Russian and
Spanish only

Committee on the Rights of Persons with Disabilities

**Combined second and third periodic reports
submitted by Tunisia under article 35 of the
Convention, due in 2018***

[Date received: 4 September 2018]

* The present document is being issued without formal editing.

GE.19-11007 (E) 211019 291019



* 1 9 1 1 0 0 7 *

Please recycle 



Contents

	<i>Page</i>
Introduction	3
Methodology and process for drafting the report	3
A. Purpose and general obligations (articles 1–4)	4
B. Specific rights (articles 5–30)	10
Article 5: Equality and non-discrimination.....	10
Article 6: Women with disabilities	11
Article 7: Children with disabilities	15
Article 8: Awareness-raising	23
Article 9: Accessibility	24
Article 10: Right to life	28
Article 11: Situations of risk and humanitarian emergencies	29
Article 12: Equal recognition before the law	29
Article 30: Participation in cultural life, recreation, leisure and sport	31
List of annexes	41

Introduction

1. Tunisia is submitting the present combined second and third periodic reports under article 35 (1) of the Convention on the Rights of Persons with Disabilities. It ratified the Convention and its Optional Protocol under Act No. 4 of 2008, dated 11 February 2008 then published it in the Official Gazette of the Republic of Tunisia under Order No. 1754 of 2008, dated 22 April 2008.
2. The report contains information about follow-up to the concluding observations and recommendations (CRPD/C/TUN/CO/1) issued by the Committee on the Rights of Persons with Disabilities following its consideration of the initial report of Tunisia, dated 1 July 2010. The text was drafted in the light of the list of issues (CRPD/C/TUN/QPR/2-3) prepared by the Committee and dated 27 September 2017, in line with the simplified reporting procedure of the Office of the United Nations High Commissioner for Human Rights (OHCHR).
3. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights, which is the standing national mechanism for drafting the reports of Tunisia, was brought into being pursuant to Government Order No. 1593 of 2015, which was subsequently amended by Government Order No. 662 of 2016, dated 30 May 2016. The National Commission is chaired by the Minister for Relations with Constitutional Bodies and Civil Society and for Human Rights, and its members are drawn from the Office of the Prime Minister and from other ministries and bodies, as described in the Order itself. The drafting process took account of the General Guidelines Regarding the Form and Content of Periodic Reports issued by the Committee, which concerns the methodology and process for the compilation of reports.

Methodology and process for drafting the report

4. In line with the list of issues prior to reporting issued by the Committee on the Rights of Person with Disabilities, relevant ministries and public bodies were involved in the process, each in its particular area of competence in the implementation of the Convention.
5. In that connection, the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights organized six meetings to prepare the first draft of the report. The text was then submitted to civil society.
6. The report is being presented following regional consultations with civil society groups, which were organized in cooperation with the OHCHR Tunisia bureau in the governorate of Sfax on 22 June 2018. The consultations covered the governorates of Sfax, Gabès, Kairouan, Sidi Bouzid, Kasserine, Sousse, Mahdia and Medenine. Also in cooperation with the OHCHR Tunisia bureau, a national consultation was held in Tunis on 5 July 2018.
7. On 9 July 2018, a coordinated working session took place to hear the concerns of representatives of civil society organizations active in the field of disability rights. Their recommendations were then referred to the Office of the Prime Minister for it to consider how they could be put into effect.
8. Having completed the aforementioned steps, the National Commission gathered and systematized the concerns and recommendations it had received from the various parties and incorporated them into the final version of the report (see annexes 1, 2 and 3).
9. In the present report, Tunisia provides an overview of the main advances it has achieved vis-à-vis the rights of persons with disabilities. The National Commission had previously submitted a first draft of the report to relevant bodies and to government ministries with rights-related portfolios, as well as to the High Committee for Human Rights and Fundamental Freedoms, civil society groups and non-governmental organizations (NGOs).
10. It should also be pointed out that the National Commission was keen to ensure that the present combined second and third periodic reports of Tunisia should favour the continuation of constructive dialogue with the Committee on the Rights of Persons with Disabilities. It is, in fact, a follow-up report and, as such, does not repeat the basic information

contained in earlier reports; rather, it refers to that information as necessary, while focusing on steps taken and new developments in the period covered by the report.

A. Purpose and general obligations

Articles 1–4

Question 1: Please inform the Committee on the tangible impact of the Special Parliamentary Committee on Persons with Disabilities and other Vulnerable Groups established to monitor the implementation of government programmes and procedures related to the protection of rights of persons with disabilities.

Reply

11. One of the nine standing committees of the Assembly of the Representatives of the People is the Committee for Health and Social Affairs, the remit of which includes matters affecting persons with disabilities.

12. The Assembly has other specialized committees including the Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories.¹ This committee has responsibility for matters involving persons with disabilities. It oversees the implementation of relevant State-run care programmes and measures,² and undertakes field visits to verify the conditions and problems persons with disabilities might face in all the governorates of Tunisia.³

13. The Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories coordinates with the Ministry of Social Affairs to which it has, on many occasions, submitted written questions regarding matters of concern to persons with disabilities. Moreover, it has organized at least five meetings with ministerial officials to review the programmes and activities offered to that category of persons and to provide information regarding their employment and vocational training and the extent to which care programmes respond to expectations. These include programmes on care for persons with disabilities in foster families and on permanent financial assistance, in addition to professional and economic integration programmes.

14. In addition, during the last three sessions of parliament, the Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories has undertaken a precise analysis of the situation of persons with disabilities and the difficulties they face. To do this it used a tripartite methodology:

- It held meetings to canvass the views of civil society organizations that work in the field of disability;
- It undertook field visits to habilitation and vocational training centres as well as to educational institutions that work with particular categories of disability;
- It approached members of the Government and representatives of the Ministry of Social Affairs through questions, meetings and written requests.

15. During the current session of parliament, the Committee intends to focus on its plan of action: monitoring the fulfilment of commitments arising from bilateral engagement between the Committee and government agencies and reviewing the extent to which laws relative to persons with disabilities are being implemented.

16. In 2016, the Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories issued a report containing a body of recommendations:

- Review and update laws that are no longer in step with scientific and legal advances in the field of disability, in line with the Convention on the Rights of Persons with Disabilities;

¹ <http://www.arp.tn/site/main/AR/res.jsp?numscreen=1>.

² http://www.arp.tn/site/main/AR/activites/fiche_act.jsp?cn=100837&type=null.

³ http://www.arp.tn/site/main/AR/activites/fiche_act.jsp?cn=101244&type=null.

- Improve communication with disability associations and to facilitate access to documents regarding public funding;
- Modernize disability access to public facilities;
- Support habilitation centres with various kinds of specialized infrastructure;
- Ensure that persons with disabilities are represented in local associations and on municipal councils;
- Achieve integration for persons with disabilities in schools;
- Adapt administrative and educational infrastructure in integrated schools for the benefit of persons with disabilities;
- Intensify efforts aimed at the early detection of disability and facilitate procedures so that children with disabilities can promptly access treatment and habilitation;
- Ensure that sign language experts are available in public facilities;
- Adapt the environment and address shortcomings that prevent persons with disabilities from accessing all facilities and services, such as transport, leisure, sports, etc.;
- Review State policy vis-à-vis the employment of persons with disabilities;
- Enable persons with disabilities who are unemployed to access allowances for destitute families;
- Allow persons with disabilities access to free treatment at State-run hospitals;
- Make reform of the education and training offered in habilitation centres part of the reform of the educational system;
- Establish mechanisms to monitor the extent to which disability laws are being applied.

Question 2: Please inform the Committee on steps taken to harmonize the Law No. 83 (2005) relating to the promotion and protection of the rights of persons with disabilities with the Convention to make it compliant with a human rights-based approach to disability.

Reply

17. In the light of the recommendations made by the Committee on the Rights of Persons with Disabilities following its consideration of the initial report of Tunisia under the Convention in April 2011, later that year the Ministry of Social Affairs established a committee to follow up on the observations and recommendations received. In its turn that committee, which brought together all stakeholders in the sector including civil society organizations, gave rise to the establishment of two subcommittees: a subcommittee on legislation and a subcommittee on programmes and mechanisms.

18. The subcommittee on legislation examines the extent to which domestic legislation – in particular Act No. 83 of 2005 – is consistent with the provisions of international treaties and with recommendations made to Tunisia by United Nations bodies. The subcommittee then submits proposals to rectify shortcomings in the law. The chair and permanent secretariat of the subcommittee are held by the Centre for Legal and Judicial Studies, which is part of the Ministry of Justice.

19. A series of meetings was held with representatives of relevant ministries – the Office of the Prime Minister, the Ministry of Social Affairs, the Ministry of Health, the Ministry of Education and the Ministry of Higher Education – and with representatives of organizations of persons with disabilities. In the wake of those encounters, the subcommittee on legislation presented the Ministry of Social Affairs with a package of amendments, which are currently being introduced into relevant laws, including Act No. 83 of 2005, dated 15 August 2005, on the advancement and protection of persons with disabilities.

20. In that context, Act No. 41 of 2016, dated 16 May 2016, introduced amendments into Act No. 83 of 2005. Under the Act, article 29 of Act No. 83 has been revoked and replaced with new provisions whereby, in annual recruitment to the civil service, the percentage of

posts allocated as a matter of priority to persons with disabilities has been raised from 1 per cent to 2 per cent.

21. The new article 29 reads: “In annual recruitment to the civil service, not less than 2 per cent of posts shall be allocated as a priority to persons with disabilities who fulfil the conditions set forth in the present Act and who possess the qualifications necessary to carry out the required functions.”

22. The Act also revokes article 30 of Act No. 83 of 2005, which is replaced with new provisions under which the obligation to employ persons with disabilities is also applied to State and private institutions. Such institutions, when they normally employ between 50 and 99 employees, are required to allocate at least one post to a person with a disability. As for State and private institutions that normally employ 100 or more employees, the percentage of posts they are required to allocate to persons with disabilities has been raised from 1 per cent to 2 per cent.

23. Article 2 of Act No. 41 of 2016 reads: “Any institution affected by the implementation of the new article 30 shall comply with its obligation to employ persons with disabilities, or shall have recourse to one of the alternatives set forth in article 31 of Act No. 83 of 2005, within one year of the date the present Act comes into force.”

24. The subcommittee on programmes and mechanisms, which brings together representatives of State institutions that work in the area of disability, has the task of examining all shortcomings and impediments that hinder the right of persons with disabilities to enjoy public and private programmes, services and facilities on an equal footing with other members of society (see also paragraphs 44 to 51 of the present report).

Question 3: Please inform the Committee about the extent of participation of persons with disabilities through their representative organizations, including those representing women, girls and boys with disabilities, at the governorate and national levels, in the light of the Tunisian National Charter for the Rights of Persons with Disabilities.

Reply

25. Across the country, there are nearly 300 civil society organizations that deal with the rights of persons with disabilities, and the Tunisian National Charter for the Rights of Persons with Disabilities clearly states that women and children with disabilities should be able to enjoy their rights to the full, free from violence, neglect and marginalization. Despite the lack of accurate statistics concerning the participation of persons with disabilities through their representative organizations, including those representing women, girls and boys with disabilities, at the governorate and national levels, it can nonetheless be affirmed that Tunisian women in general do participate effectively in civil society organizations.

Question 4: Please provide further information about any measures taken by the State party to disseminate and implement the previous concluding observations of the Committee (CRPD/C/TUN/CO/1).

Reply

26. A public document was issued in which all the recommendations and observations that the Human Rights Council, the treaty bodies and special procedures had addressed to the Republic of Tunisia were gathered, tabulated and summarized according to subject.⁴ It included the last concluding observations issued by the Committee on the Rights of Persons with Disabilities.

27. The document was posted on the websites of the Ministry for Relations with Constitutional Bodies and Civil Society and for Human Rights, and of the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights.

28. The Ministry is developing an interactive website to enable continuing dialogue between the Government and civil society, thereby consolidating the principle of democratic

⁴ <http://docdro.id/a88K7sa>.

participation. It also plays a coordinating role with other ministries, organizations and associations that are involved in the protection of human rights, and it seeks to uphold and protect the values, culture and exercise of human rights, as per domestic legislation and ratified international treaties.

Question 5: Please provide detailed information about whether Order No. 3086 of 29 November 2005 has been revised, and specifically on proof required to obtain a disability card. In particular, please provide information on the measures taken to prevent the exclusion of persons with psychosocial disabilities (“mental illness”) or intellectual disabilities, or others who are unable to obtain a disability card, either owing to disability or by association with a disability.

Reply

29. Order No. 3086 of 2005, dated 29 November 2005, which includes provisions to establish regional committees for persons with disabilities, define disability and set the criteria for obtaining a disability card, was amended under Order No. 1859 of 2006, dated 3 July 2006, which revoked the three annexes to articles 10 and 11 of the original Order. Article one of the new Order clearly lists the necessary administrative documents as follows:

- Case study;⁵
- Medical certificate to request a disability card;⁶
- Disability evaluation table;⁷
- Disability card.⁸

30. It should be pointed out that not all persons with disabilities are necessarily in possession of a disability card. This is because some do not consider themselves to have a disability at all, while others simply have not applied for the card.

⁵ The case study document includes all information relevant to the party making the application for the card: governorate and district of origin; name and surname of applicant, father, mother and spouse; date of birth; sex; civil status; address; group to which the applicant belongs; nature of the disability; cause of the disability; age at which the disability appeared; social insurance; any situations not covered by the system of social insurance such as treatment free of charge or at reduced cost; degree of kinship, if any, between applicant’s parents; level of education of the applicant; professional qualifications: applicant’s training and place at which it was conducted; applicant’s current status: studying, training, seeking employment or self-employed.

⁶ The medical certificate to request a disability card includes seven sections divided as follows: information about the doctor; identification of the party applying for the card; a description of the diseases or injuries that are the subject of the application including the date at which they became manifest, their cause and their prognosis; specification of the degree to which the limbs are affected on a scale of 0 to 4; evaluation of bodily functions and their impact on independence in the areas of communication, movement, self-reliance, home life and the major phases of life such as education, work, personal financial transactions, relationships and dealings with others and community life; special requirements associated with the application for a disability card such as medicines, orthoses, assistive devices, technical assistance, psychological support, nursing, carers or other requirements; the period of validity of the disability card (5 or 10 years).

⁷ The disability evaluation table has four parts: information about the doctor; identification of the party applying for the card; a table of activities (this is the same table as the one used in the medical certificate to evaluate bodily functions and their impact on independence, as mentioned in footnote 5 above); a statement as to whether or not a disability exists and, if it does, its degree (mild, moderate, severe).

⁸ Order No. 1859 of 2006, dated 3 July 2006, revokes the last paragraph of article 12 of Order No. 3086 of 2005, dated 29 November 2005, which includes provisions to establish regional committees for persons with disabilities, define disability and set the criteria for obtaining a disability card. Under the Order, the degree of disability is indicated by small lines in the upper right hand corner of the front of the card as follows:

- One line: mild disability
- Two lines: moderate disability
- Three lines: severe disability.

31. This state of affairs will be reviewed once disability has been redefined in Tunisian legislation, in line with international treaties. In that regard, it should be recalled that there is a committee⁹ that has the task of drafting amendments to bring the law into line with the Convention on the Rights of Persons with Disabilities. The committee works in coordination with the Centre for Legal and Judicial Studies, which is part of the Ministry of Justice.¹⁰

32. In addition to the information contained in paragraphs 18 to 23 of the present report, the subcommittee on legislation – which emerged from the national committee established by the Ministry of Social Affairs – is also following up on recommendations made by the Committee on the Rights of Persons with Disabilities in regard of amendments concerning psychological disability, and efforts are under way to incorporate those amendments into the relevant domestic laws, as follows:

Psychological disability:

- Article 2 of Act No. 83 of 2005 has been supplemented by adding psychological disability to the definition of persons with disabilities, thereby drawing a distinction between it and the other three causes of disability set forth in the same Act: physical, mental and sensory;
- Psychological disability has also been introduced into Order No. 3086 of 2005, dated 29 November 2005, which includes provisions to establish regional committees for persons with disabilities, define disability and set the criteria for obtaining a disability card.

33. Military personnel are also able to obtain a disability card via the competent offices. Through the military health system, the Ministry of Defence works to provide hospitalization and health-care services for persons who have suffered psychological or mental damage as a result of their military service. Such persons have access to free treatment and medication, irrespective of their age.

Question 6: Please inform the Committee about the mandate and the achievements of the Special Parliamentary Commission for Persons with Disabilities and other Vulnerable Groups regarding legislation, policies and measures, in particular those aimed at eliminating discrimination against persons with disabilities.

Reply

34. According to article 48 of the Constitution: “The State shall protect persons with disabilities from all forms of discrimination. Citizens with a disability shall have the right to benefit, according to the nature of that disability, from all measures aimed at ensuring their complete integration into society. It is incumbent upon the State to take all steps necessary to achieve that end.”

35. In addition to the information set forth in paragraphs 11 to 16 of the present report, the Assembly of the Representatives of the People has – in furtherance of the oversight role played by the legislature and under article 93 of its own rules of procedure – set up committees with authority to examine all matters referred to them and to follow up on all cases that fall within their jurisdiction.

36. In that connection, the Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories has the job of examining all matters that involve persons with disabilities and vulnerable persons. It is also charged with overseeing the implementation of government programmes that seek to ensure the welfare of that category of persons.

37. The Parliamentary Committee has focused its efforts, not only on reviewing legislation, but also on drawing the attention of the competent bodies to the importance of implementing existing legal provisions. It has done this by examining the difficulties facing

⁹ Centre for Research and Social Studies.

¹⁰ In February 2018, the Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories organized a meeting with the head of the Centre for Research and Social Studies in order to examine the Centre’s proposed legislative amendments regarding persons with disabilities.

this category of persons and attempting to find appropriate solutions, in collaboration with the executive.

38. In addition, the Parliamentary Committee has held meetings with civil society groups working in the field of disability and has undertaken field visits to monitor the situation of persons with disabilities directly. It has also heard from members of the Government and officials in government departments about the main obstacles they have had to face in carrying out their duties.

39. The Parliamentary Committee has met with representatives from the Ministry of Social Affairs and its associated institutions, as well as with the Minister of Education, and it has sent written requests to other ministries. Its purpose was to learn about the approaches taken and outcomes obtained by government institutions vis-à-vis issues raised by civil society groups.¹¹

40. At the same time, the Parliamentary Committee has undertaken field visits to schools, colleges and centres specialized in the formation and habilitation of persons with disabilities, both in the capital and in the regions. Its aim was to observe the situation of that category of persons first-hand (see the 2016 annual report of the Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories).¹²

41. The Parliamentary Committee began its work by identifying priorities: oversight of the implementation by governmental bodies of national plans and programmes to give effect to employment quotas for persons with disabilities, social and economic integration of persons with disabilities and the integration of students with disabilities into schools of all levels.

42. When it comes to legislation, the Parliamentary Committee plays two fundamental roles: it expresses its views on upcoming bills¹³ and it recommends the review of certain pieces of legislation.¹⁴

Question 7: Please provide information, disaggregated by sex, on the number of disability-based discrimination complaints received from persons with disabilities. Please inform the Committee on the legal remedies and sanctions on discrimination on the basis of disability and the measures being envisaged to uphold the prohibition of disability-based discrimination, specifically in the following fields: housing, health, and access to culture and sport.

Reply

43. Any person who has suffered harm as a result of an act of discrimination or whatever kind, including discrimination on the basis of disability, may seek compensation for the damages arising from that act, pursuant to civil tort law.

¹¹ The main issues raised may be summarized as follows: amending legislation relevant to persons with disabilities; giving effect to employment quotas for persons with disabilities; providing free transport and reduced fares; reappraising the composition of committees and the criteria for obtaining a disability card; access to information; adapting the environment; early detection of disability; school integration; the financial status of associations; reform of the education and training system in habilitation centres; mechanisms to monitor associations and habilitation centres; etc.

¹² http://www.arp.tn/site/servlet/Fichier?code_obj=94568&code_exp=1&langue=1.

¹³ The Parliamentary Committee for the Affairs of Persons with Disabilities and Vulnerable Categories made its views known on bill No. 59/2016 regulating children's nurseries and kindergartens, particularly as concerns children with disabilities.

¹⁴ A recommendation was made to review the provisions of Order No. 458 of 2015, dated 9 June 2015. The Order establishes the criteria, procedures and conditions used by the State and by social funds to grant subsidies to organizations of persons with disabilities to cover the costs of rehabilitation, special education and home assistance for persons with disabilities.

B. Specific rights

Article 5

Equality and non-discrimination

Question 8: Please provide information as to whether the denial of reasonable accommodation is explicitly recognized as a form disability-based discrimination and, if so, whether it is penalized by law.

Reply

44. According to article 21 of the Constitution: “All citizens, male and female, have equal rights and duties, and are equal before the law without discrimination.”

45. The same principle is reiterated in article 48 (1) of the Constitution, which upholds the principle of non-discrimination in all circumstances with a particular focus on the protection of persons with disabilities. In addition, the State has an obligation to provide means, including reasonable accommodation, to ensure that persons with disabilities are able to integrate fully into society.

46. According to article 23 of National Service Act No. 1 of 2004, dated 14 January 2004, citizens shall be exempted from national service when they are shown to be medically unfit to serve in the military. This Act is not considered to be discriminatory against persons with disabilities; rather, it protects them from possible harm that might come to them, given the particular nature of military service.

47. In addition to the foregoing, the Ministry of Defence makes every effort to ensure respect for the material and moral rights of military personnel who suffer a disability or a bodily malfunction as a result of their military service. It provides them with an indemnity pension as well as psychological and social counselling.

48. The Ministry of Defence also provides rehabilitation for military personnel who suffered an injury during the course of their service. It integrates them into new roles, if their state of health so permits, and they maintain the same rights to career advancement as their peers.

49. Acting on the provisions of the Constitution and on recommendations made by the Committee on the Rights of Persons with Disabilities, the subcommittee on legislation – which emerged from the national committee to follow up on United Nations recommendations established by the Ministry of Social Affairs – proposed the adoption of the definition of reasonable accommodation as set forth in the Convention on the Rights of Persons with Disabilities. The subcommittee further proposed that the denial of such accommodation should be considered as a form of discrimination on grounds of disability.

50. With a view to achieving equality and non-discrimination on grounds of disability, efforts are being made to amend article 1 (1) of Act No. 83 of 2005 by adopting the definition contained in the Convention on the Rights of Persons with Disabilities.

51. In addition, a new article (article 13 bis) has been introduced into the same Act. It identifies the authorities responsible for investigating crimes and compiling reports and it increases criminal penalties to dissuade transgressors of all kinds (imprisonment and fines). At the same time, article 37 of Order No. 1467 of 2006, dated 30 May 2006, has been revoked. The Order governs technical specifications relative to facilitating the movement of persons with disabilities within public buildings and areas, shared facilities, residential complexes and private buildings that are open to the public.

Question 9: Please inform the Committee about whether the State party has taken measures to train members of the legal profession, particularly the judiciary, persons with disabilities themselves and civil servants, on non-discrimination and the concept of reasonable accommodation.

Reply

52. The Ministry of Justice provides judges and court registrars with training on the rights of person with disabilities. A study day on the subject, held on 29 April 2016 and organized

by the Higher Institute of the Judiciary and OHCHR, was attended by 55 judges in addition to experts on human rights and the rights of person with disabilities.

53. Training courses have also been offered to court registrars as part of their continuous learning, including five registrars and administrators with physical or visual disabilities, as the following table shows:

<i>Function</i>	<i>Training course</i>
An administrator	2012
An assistant court registrar	2014
An administrator and a registrar	2015
A consultant administrator to the court registry	2016

54. The General Administration of Prisons and Corrections, which is part of the Ministry of Justice, runs training courses for prison personnel on how to handle prisoners with disabilities (such as those who are deaf or those unable to speak). A guide on that subject has been drafted. In addition, a memorandum of understanding has been signed with the Ministry of Social Affairs on protecting inmates with disabilities, caring for them while they remain in detention and, especially, helping them to reintegrate following their release.

55. Between 2011 and 2013, a partnership programme was run with the International Disability Alliance on inclusive local development in the governorates of Manouba and Bizerte. Pilot projects were rolled out in those regions on issues such as reasonable accommodation and facilitated access to public services for persons with disabilities. The programme covered the following:

- Determining the extent to which persons with disabilities are able to access and benefit from public facilities and services;
- Identifying requests and expected outcomes;
- Running training courses and awareness-raising campaigns about the rights of persons with disabilities and reasonable accommodation;
- Involving all relevant stakeholders: academics, engineers in the public and private sectors, municipalities, regional and local authorities and persons with disabilities themselves.

56. One outcome of the cooperation programme with the International Disability Alliance was that students of the Higher Engineering Institute came to be involved in addressing the situation in the two areas mentioned above. In particular, a module on access and reasonable accommodation for persons with disabilities was integrated into the curriculum followed by students at the Institute (see also paragraphs 145 to 150 of the present report).

Article 6

Women with disabilities

Question 10: Please inform the Committee on measures taken to combat discrimination, including intersectional discrimination, and, in particular, violence against women and girls with disabilities. Furthermore, please provide information on measures taken to promote and disseminate the general comment No. 3 (2016) on women and girls with disabilities.

Reply

57. Article 21 of the Constitution states that all citizens, male and female, have equal rights and duties, and are equal before the law without discrimination. In this way, the principle of non-discrimination – irrespective of whether it is based on sex, disability, etc. – is enshrined in the Constitution. Moreover, article 48 makes specific provision for the rights of persons with disabilities, as mentioned above, while article 46 is consecrated to ensuring

that the rights of women are protected. It reads: “The State has an obligation to protect women’s accrued rights, and it works to strengthen and develop those rights.”

58. In 2014, Tunisia withdrew all its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

59. The Assembly of the Representatives of the People approved Organic Act No. 46 of 2015, which was issued on 23 November 2015 and amends Passports and Travel Documents Act No. 40 of 1975, dated 14 May 1975. Under the new Act, either parent (father or mother) has the right to authorize the travel of their minor children. Prior to the issuance of the Act, travel authorization for minor children could be granted only by the father, as head of the family. Thus, the amendment of the Passports and Travel Documents Act removed a situation of inequality regarding travel authorization for minors and the obtaining of passports.

60. As part of the same process, Government Order 626 of 2016, dated 25 May 2016, made provision for the creation of a new consultative body to be known as the Council of Peers for Equality and Equal Opportunity between Men and Women.¹⁵ The principal task of the Council of Peers is to “introduce a gender perspective into planning, programming, evaluation and budgets with a view to eliminating all forms of discrimination between women and men, and to achieving equality of rights and duties between them”. This is the first time that the concept of “gender” has appeared in Tunisian substantive law.

61. In June 2018, with the completion of the activities of the Council of Peers, the Council of Ministers approved a national plan to institutionalize gender 2016–2020. The aim is to integrate a gender perspective into planning, programmes and budgets in various fields of national and regional development, in line with the national development plan 2016–2020.

62. The most significant outcomes of the national action plan to institutionalize the gender perspective consist in the review of discriminatory laws and support for women’s economic initiatives and their participation in political life and public administration. A national strategy to combat violence against women and girls has been launched and support given to the social and economic empowerment of women with special needs. At the same time, steps have been taken to address the phenomenon of early school dropout among girls and to combat illiteracy among women in rural areas.

63. In accordance with article 15 of the Constitution, Order No. 4030 of 2014, dated 3 October 2014, which ratifies a code of conduct and ethics for public servants, states: “Public officials shall respect the rights and interests of persons using public facilities and shall treat them equally without discrimination on the basis of race, sex, nationality, religion, belief, political views, regional origin, wealth, professional status, or any other form of discrimination.”

64. A draft government order regarding a code of conduct for the Ministry of the Interior’s internal security forces includes an entire section entitled “Treatment of women”. Article 30 of the code imposes an obligation on security personnel to treat “pregnant women, breastfeeding or newly delivered mothers and mothers accompanied by their children or infants, in a manner that is consistent with their particular needs”. Article 34 states: “When dealing with categories with special requirements – such as older persons, persons with disabilities, refugees and migrants crossing national territory – security personnel must take account of their condition, needs and particular situation.”

65. Steps have also been taken to combat discrimination against women, particularly violence. Tunisia issued Organic Anti-Human Trafficking Act No. 61 of 2016, which aims to combat all forms of exploitation that people – in particular women and children – might face and to prevent trafficking by prosecuting perpetrators and protecting and supporting victims. Under the Act, certain states of vulnerability inherent to particular disabilities (such as serious illness or mental or physical impairments such as would prevent a person from standing up to the criminal) are considered to be factors that aggravate penalties for human trafficking offences.

¹⁵ http://www.legislation.tn/detailtexte/D%C3%A9cret%20Gouvernemental-num-2016-626-du-25-05-2016-jort-2016-045__20160450062632.

66. Tunisia issued Organic Act No. 58 of 2017 to eliminate violence against women, dated 11 August 2017.¹⁶ The Act includes provision for measures to prevent all forms of violence based on sexual discrimination and to achieve respect for women's equality and dignity. It takes a comprehensive approach that addresses all forms of violence against women and covers prevention, the prosecution and punishment of perpetrators, and protection and support for victims.

67. In defining the forms of discrimination women can face, the Act makes explicit reference to women with disabilities. It considers disability to constitute a state of vulnerability, which it defines as a "condition of fragility associated with youth, old age, serious illness, pregnancy or mental or physical impairment that prevents victims from standing up to their aggressors". These are conditions which, according to the Act, amount to aggravating circumstances in cases involving offences against women.

68. The Act considers women or children with disabilities who have been subjected to violence as victims deserving of protection, care and reintegration into society.

69. The Ministry for Women, Children, the Family and Older Persons has translated the Act into several languages including Braille for the benefit of persons who are blind.

70. In implementation of the national strategy to combat violence against women (see annex 4), particularly as concerns appropriate services for female victims of violence, the Ministry for Women, Children and the Family – in partnership with the National Bureau for Family and Population and with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) – is implementing a joint pilot project on multisectoral mechanisms for the welfare of female victims of violence.

71. The project aims to:

- Build capacities of stakeholders in government institutions and civil society groups;
- Strengthen protection mechanisms for female victims of violence;
- Draft multisectoral protocols to ensure comprehensive support for female victims of violence;
- Follow up on care delivery for female victims of violence across different sectors (government institutions and civil society groups);
- Create a digital review system to gather statistics on violence against women and facilitate follow-up across different sectors.

72. The joint pilot project on multisectoral mechanisms for the welfare of female victims of violence was implemented over two stages. During the first stage, which lasted from October 2014 to December 2016, a pilot scheme was launched in the governorate of Ben Arous focusing on the delivery of care to female victims of violence through sectoral measures, multisectoral interventions and tools to regulate intersectoral activities such as guides, questionnaires and circulars. The second stage of the project, which ran from January to December 2017, broadened the scope of the original experience to three cities in Greater Tunis: Douar Hicher, Sidi Thabet and Bardo.

73. The multisectoral protocols for the care of female victims of violence (see annex 5) are made up of three parts. Part one covers sectoral measures to care for female victims of violence. Part two focuses on intersectoral activity and networking to care for female victims of violence. Part three, which constitutes the practical part of the protocols, concentrates on multisectoral tools to care for female victims of violence.

74. In the same context:

- Work has begun on a training guide for judges and security officials regarding care for female victims violence. In that connection, training courses have been run by the Centre for Research, Study, Documentation and Information on Women;

¹⁶ <http://www.legislation.tn/sites/default/files/fraction-journal-officiel/2017/2017A/065/Ta2017581.pdf>.

- A regional level train-the-trainers course has been held by the Ministry of Social Affairs, attended by 27 trainers and 6 government officials.

75. In 2012, the Ministry of Health, in partnership with the Spanish Agency for International Development Cooperation, created a centre for the psychological care of women and child victims of violence in the governorate of Ben Arous. The centre is an open space for the delivery of education and health services including counselling, guidance, awareness-raising and specialized psychological attention for women and children who have been subjected to violence or who experience situations of violence within the family.

76. In the same context, the Ministry for Women, Children, the Family and Older Persons has established a hotline (1899) for the reporting of cases of violence against women, children or older persons.

77. In implementing the Act to eliminate violence against women, ministries have cooperated with local organizations to set up six reception centres, which provide shelter, psychological support and guidance to female victims of violence. In order to bring services close to those who need them, the centres have been set up in governorates in the south of the country, as well as in Tunis, Kairouan, Sfax, Gafsa and Medenine.

78. The Ministry for Women is currently engaged in preparing the first draft of regulatory provisions governing the administrative and economic aspects of the National Anti-Violence Observatory.

Question 11: Please provide detailed statistical data on the following:

(a) The number of women and girls who currently hold disability cards and benefit from social protection measures.

Reply

79. According to statistics from the 2014 national population census,¹⁷ a total of 241,240 persons with disabilities were in possession of a card, of whom 119,160 (or 49 per cent) were women.

80. Women with disabilities also benefit from the following protection measures:

- Treatment free of charge or at a reduced cost within public hospitals and health-care structures;
- Fixed monthly grants for women with disabilities who are destitute as well as ad hoc assistance for children in school and for religious festivals;
- Financial support to help women with disabilities establish a source of income;
- Protheses to facilitate integration;
- Placement of women with disabilities with families who in return receive a monthly grant;
- Shelter in social institutions for women who are destitute or lack family support; provision of care education and training in specialized educational centres.

(b) The number of girls with disabilities enrolled in inclusive education, integrated education and segregated education.

Reply

81. Article 4 of Act No. 80 of 23 July 2002 on education and schooling states: "The State shall guarantee the right to free education in public educational institutions for all children of school age and shall give all pupils an equal opportunity to exercise that right. ... It shall also take steps to provide appropriate conditions to enable children with special needs to enjoy the right to education."

82. In addition to this are the provisions of Act No. 83 of 2005, dated 15 August 2005, on the advancement and protection of persons with disabilities. The following tables (see annex

¹⁷ <http://www.ins.tn/sites/default/files/publication/pdf/RGPH-national-soc-sanit-site.pdf>.

6) provide statistics relative to girls with disabilities enrolled at various levels of education, disaggregated according to type of disability.

(c) Women with disabilities in employment

Reply

In the public sector

83. The Office of the Prime Minister coordinates with the Ministry of Finance to develop plans relative to the recruitment of persons with disabilities, in the light of overall annual recruitment estimates. Since 2013, the Ministry of Social Affairs has had the task of overseeing the national technical committee charged with monitoring the recruitment of persons with disabilities. In that regard:

- 217 persons with disabilities were recruited in 2013;
- 276 persons with disabilities were recruited in 2014;
- The process of recruiting another intake of persons with disabilities (between 100 and 150 persons) is currently under way.

Article 7

Children with disabilities

Question 12: Taking into account the result of the Multiple Indicator Cluster Survey (2011–2012), which showed that 93 per cent of children aged between 2 and 14 years were subjected to violence for discipline purposes, please provide updated information as follows:

(a) Any policy measures taken at the national and governorate levels to eradicate any form of violence against children with disabilities.

Reply

84. Under articles 23 and 47 of the Constitution of the Republic of Tunisia, the State must protect people's dignity and physical integrity, and mental or physical torture is prohibited. Furthermore, children's right to dignity, health, care and education is guaranteed, and protection is afforded to all children, without discrimination and in accordance with their best interests.

85. Tunisia enacted Act No. 40 of 2010 to amend article 319 of the Criminal Code, which no longer admits corporal punishment as a means of educating children, whether administered by the parents or by persons with disciplinary authority over the child.

86. Article 3 of Act No. 43 of 2013, which is dated 21 October 2013 and concerns the national torture prevention institution, includes provision for unannounced visits to shelters. The visits serve to ascertain whether special protection measures are in force for persons with disabilities housed in those centres and to ensure the absence of torture and other cruel, inhuman or degrading treatment or punishment.

87. In the same context, the Minister of Social Affairs issued circular No. 5, dated 9 May 2017, regarding the non-use of violence against persons in social care institutions. In the circular, directors of social care institutions, heads of organizations working with children who have no family and heads of associations for the care of persons with disabilities are enjoined to take steps to disseminate a culture of non-violence among staff in the institutions they manage. It warns against any form of violence against persons in care, particularly children, which wounds their dignity, violates their physical or mental integrity and causes them harm.

88. The circular encourages institution staff to provide special care to persons with disabilities and persons who have become incapacitated, both while they are in the institution and when they participate in organized external activities. It also calls on staff to avoid any form of behaviour that might indicate shame or rejection towards persons in care and enjoins them promptly to take the necessary steps if any act of violence occurs, or risks occurring. The incident is to be investigated and referred to the competent administrative authorities

within no more than 24 hours and, if the victim is a child, the child protection delegate is to be informed.

89. Under the provisions of the Child Protection Code, child protection delegates play a preventive role in all situations of difficulty that threaten the health or the physical or moral safety of children as per article 20 of the Code. The delegates coordinate between stakeholders in children's matters – the Ministries of Social Affairs, Justice, Public Health, Education and Training, the Interior, etc. – as well as associations and organizations, always upholding the principle of the priorities of children's rights and best interests.

90. Child protection delegates have prerogatives that enable them to assess whether or not threatening situations exist (article 35). In that context the delegates can:

- (a) Summon the child and the parents to listen to their statements and responses about the facts as reported;
- (b) Enter, either alone or accompanied by whomsoever they wish, locations where children are, on condition that they show a document attesting their status;
- (c) Conduct investigations and take the necessary preventive measures in regard of the child;
- (d) Draw on social studies to evaluate the truth of the particular situation of a child;
- (e) Draft a report on any actions taken against the child and submit it to the family court judge.

91. "In the application of the provisions of the present Code, child protection delegates have the status of law enforcement officials" (social inspectors).

92. Child protection delegates decide what measures are appropriate, depending upon the seriousness of the child's situation. On that basis, delegates propose consensual or urgent measures or, in case of need, refer the matter to the family court judge.

93. Child protection delegates can propose one of the following consensual measures (article 43):

- (a) Children can stay in their own family with an obligation on the parents to take the steps necessary to remove the observed risk; this takes place for a defined time period and with periodic monitoring by a child protection delegate;
- (b) The child can stay in its own family after appropriate forms of social intervention for both child and family have been established, in collaboration with social service and assistance providers;
- (c) The child can stay in its own family once the necessary precautions have been taken to avoid all contact with persons who might constitute a threat to the child's health or physical or moral safety;
- (d) The child may be placed temporarily with another family or with an appropriate social or educational institution (public or private) or, in case of need, a hospital, in accordance with current regulations.

94. Child protection delegates must periodically follow up on the outcomes of the consensual measures taken and, in case of need, review them.

95. In special cases child protection delegates may, on a temporary basis, take urgent measures to place a child in a rehabilitation institution, reception centre or hospital, or with another family or with an appropriate social or educational institution.

96. In cases of impending danger, the child protection delegates may act to remove the child from its location, also calling on the assistance of law enforcement authorities, and place the child in a safe location under their personal responsibility.

97. For as long as the urgent measures are being applied, child protection delegates must strive to ensure that the children involved receive all appropriate health care and social and psychological support.

98. With support from the Tunisia bureau of the United Nations Children's Fund (UNICEF) and in partnership with civil society, the Ministry for Women, Children, the Family and Older Persons has taken the following steps with a view to raising awareness about the need to combat violence against children:

- A national communications strategy to address violence against children;
- An educational video entitled "Set the example for your children in dialogue with the Lord of your children";
- A national coalition to combat violence against children in which the Ministry operates alongside 35 children's associations to develop actions to address the issue of violence against minors. In order to build the capacities of those associations, nationwide seminars on the phenomenon have been organized, partnerships have been strengthened and the recommendations of the United Nations Secretary-General on stopping violence against children have been disseminated.

99. The Ministry has also conducted public education and awareness-raising campaigns about the harmful effects of corporal punishment and domestic violence. The aim is to change stereotypes regarding such practices, promote positive values and participatory education and ensure that children and their families have access to appropriate services and effective assistance to promote recovery and social reintegration.

100. A partnership to address violence against cultural institutions has been launched involving a joint programme with the Tunisian International Festival of Children's Theatre, the third edition of which took place under the slogan "Theatre against violence". A round-table event on violence against children was also organized with the participation of young people and adolescents, and technical workshops were held on the different forms violence against children can take.

101. The Ministry of Religious Affairs has developed a new approach to Qur'anic schools, which focuses on educating students in the values of moderation and tolerance in order to prevent violence and hate speech. The strategy is based on preserving the physical integrity of children and protecting them from violence on the part of educators. In fact, article 14 of Prime Ministerial Decree No. 1 of 6 September 1980 regarding the reorganization of Qur'anic schools reads as follows: "Educators may not under any circumstances employ pupils for their own interests nor inflict upon them any form of corporal punishment."

102. A total of 2,494 children benefited from the services of mental health clinics between 2012 and 2016. They may be divided into three categories:

- Child victims of sexual violence: In 2016, in the context of a partnership between the Ministry of Health and a Tunisian association, training sessions were organized for doctors, midwives, psychologists and nurses on how to deal with child victims of sexual violence. Twenty sexually abused children were admitted to the centre for screening and protection;
- Children subjected to domestic violence: Of the child victims of domestic violence, 34.6 per cent were suffering depression, 15.4 per cent were experiencing the symptoms of depression and three children had made more than one suicide attempt; 12.8 per cent experienced isolated disorders such as urinary incontinence, aggressive behaviour, insomnia, poor performance at school and withdrawal, 10.3 per cent were suffering from anxiety;
- Children who exhibit suicidal tendencies: The centre admits children and adolescents who attempt suicide.

103. In 2013, the Ministry of Justice's Centre for Legal and Judicial Studies published the results of a field study it had conducted on violent crime among the young. The survey covered a sample of young persons in correctional facilities and prisons, both first-time and repeat offenders. The Centre also conducted investigations into cases of abuse and violence against children and took measures to protect the rights and interests of child victims and witnesses involved in criminal proceedings, also by allowing evidence to be submitted via video recordings. The study was used as part of a review whereby new provisions concerning child victims and how to deal with them are being introduced into the Child Protection Code.

104. The Ministry of Justice is currently drafting a bill for the protection of child victims. The bill aims to establish measures for the care of child victims including medical, psychological and legal assistance, rehabilitation, full reintegration and follow-up checks in addition to intervention and compensation strategies, while respecting the rights of the persons concerned and abiding by the Constitution and ratified international treaties.

Sexual exploitation and abuse against children

105. Article 2 of Organic Act No. 61 of 2016 to combat trafficking in persons defines sexual exploitation as “obtaining benefits of any nature by causing a person to engage in vice, prostitution or the provision of other types of sexual services, including their exploitation in the production of pornographic material and the possession or dissemination of such material by any means”.

106. Article 5 considers the crime of sexual exploitation of children as a form of human trafficking, irrespective of the means used, whether by “force or use of arms or the threat thereof, or other forms of coercion, abduction, fraud, deception, exploitation of a situation of vulnerability, exploitation of authority or the provision or acceptance of monies, benefits, gifts or promises of gifts to gain the consent of a person who has control over another person”. Thus, when the victim of the crime of trafficking is a child no account is taken of the means used to commit it.

107. Organic Act No. 58 of 2017 to eliminate violence against women, dated 11 August 2017, includes a number of provisions relating to children of both sexes, who are included in the definition of “victim” thereby obliging the State to care for and protect them from all forms of violence, in particular sexual violence (final paragraph of article 3). The Act also introduces amendments into the Criminal Code as outlined below.

108. The offence of rape has been redefined to materially consist in “any non-consensual act of sexual penetration of any nature and using any means against a female or a male”. Thus both males and females are admitted as victims. Moreover, “consent is absent if the victim is under 16 years of age” rather than 13 years of age as in the previous law.

109. A review has been conducted of the provisions of article 227 bis of the Criminal Code, which envisaged separate penalties for consensual intercourse with a girl between the ages of 13 and 15 (6 years imprisonment) and with a girl between 15 and 18 (5 years imprisonment). That age distinction has been eliminated and consensual intercourse with a girl between the ages of 16 and 18 now attracts a term of imprisonment of 5 years.

110. Thus, all possibility of impunity for crimes against children has been eliminated by abrogating the provision whereby a perpetrator could marry his victim if the intercourse had taken place with consent in the two cases described above, or in the case of elopement.

111. If the perpetrator of the offence is a child, article 59 of the Child Protection Code is applicable. It allows family court judges, when ruling in cases involving children at risk, to order one of a number of protection measures. Such measures include leaving the child in his family, leaving him in his family and engaging a child protection delegate to follow up and assist the family, referring the child for medical and psychological screening or placing the child under tutorship, with a foster family or in a social, educational or training centre. In this way both child victims and child offenders can be protected while taking due account of their best interests as children.

112. New sexual offences against children have been envisaged and the penalties for them increased. They include incest involving the rape of a child if the offence is committed by specific relatives, such as antecedents and their antecedents, descendants and their descendants, brothers or sisters (article 227 (3)).

113. A new offence has been introduced relating to “the mutilation or partial or total removal of female genitalia” (article 221 (3)), which is often related to harmful practices against girls, particularly circumcision.

114. Provision has been made for special measures to deal with child victims of sexual assault. Article 29 of Organic Act No. 58 to combat violence against women stipulates as follows: “Child victims of sexual offences shall be heard in the presence of a psychologist or

social worker, and their observations are to be included in the report on the child's condition. Child victims of sexual offences shall be heard just once on condition that an audiovisual recording of the hearing be made. Confrontations with persons suspected of committing a sexual offence are to be avoided if the victim is a child." It should be noted that the social protection unit of the Tunisian judicial police had already adopted the best practice of interviewing child victims in the presence of a psychologist or social worker, even before the Organic Act was promulgated.

115. Penalties for sexual violence against children, including sexual harassment, have been increased (article 226 (3)).

116. Penalties have also been increased for cases of sexual violence against vulnerable victims. Penalties have been increased for cases of rape; sexual intercourse with consent extracted through violence, threat of violence or weapons or through the use of narcotic substances or drugs; where the victim is in a situation of vulnerability due to youth or old age, serious illness, pregnancy or a mental impairment that weakens his or her ability to stand up to the aggressor; where the offence is committed by someone with power over the victim or who exploits a position of authority; or where the offence is committed by a group of perpetrators or accomplices.

117. Under article 24 of the Organic Act, the Ministry of the Interior has set up two centralized units within the police and the National Guard, as well as 70 units in national police zones and 56 units in areas of operation of the National Guard. The purpose of the units, which include women on their staff, is to investigate crimes of violence against women and children, provide victims with shelter in safe houses, remove aggressors from the victim's place of abode and administer first aid in urgent cases.

118. Training programmes on children's rights have been put in place for the staff of the units in order to enable them to intervene effectively in support of women and child victims, provide them with shelter in safe houses, remove aggressors from the victim's place of abode and administer first aid in urgent cases, having first gained authorization from a public prosecutor.

119. To that end, they carry out security patrols and preventive campaigns in streets and public areas to address different forms of violence and exploitation against children. Their role is to conduct and record investigations against aggressors and to carry out the necessary medical and technical examinations in order to ensure that vital scientific evidence is included in the case file, bring criminals to justice and prevent impunity. In addition, they coordinate among the various stakeholders (child protection delegates, family court judges, forensic doctors, psychologists and social welfare centres) so as to ensure that child victims receive physical and psychological protection both when the aggressor is a family member and in other cases.

120. The Ministry of the Interior has rolled out training programmes to develop and improve the training on offer at police and National Guard academies. Participants receive training in various areas related to human rights and, in particular, to the rights of children. Capacity-building training is also offered to officials who work directly with children.

121. High-ranking officials within the Ministry of Interior have benefited from a training programme that was conducted over the course of an academic year. The programme, which led to a leadership competency certificate from the Higher Academy of the Internal Security Forces, included lectures and modules on children's rights. Memorandums and theses written by Ministry officials attending police and National Guard academies have also focused on questions related to the rights of children and how to safeguard those rights, with subjects such as techniques for researching child-related issues, violence against children, protecting child offenders and trafficking in children.

122. In order to unify the procedures for addressing child-related issues, circulars, telegrams and notes have been issued by the Minister of the Interior and directors of security agencies. Their purpose is to draw attention to and standardize the procedures to be followed in such cases, taking account of how crime has developed and the emergence of new social phenomena such as the disappearance of children, sexual assaults, violence, attempted suicide and proof of parentage.

123. Following the ratification by Tunisia of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), the Ministry for Women, Children, the Family and Older Persons, in cooperation with the Council of Europe bureau in Tunisia, launched a national programme to protect children from all forms of sexual exploitation and abuse. The aim is to raise awareness about the seriousness of the phenomenon and to build the capacities of stakeholders in the field in order to provide adequate protection for children and to intervene in support of victims with the necessary care and support. It includes the delivery of comprehensive services responsive to the needs of children, without discrimination, the development of an advanced and appropriate legislative framework rooted in the principle of legal protection for children, the creation of better conditions based on respect for the best interests of children and the fulfilment of their rights and the development of a network of professionals who work to combat the exploitation and sexual abuse of children.

124. In March 2016, the first emergency forensic medical “rescue” unit came into operation in the Charles-Nicolle Hospital in Tunis. The unit – which offers support and psychosocial care to female victims of sexual violence – was created thanks to financial support from the El Marsa Lions Club.

125. The rescue unit takes in victims of violence, particularly sexual violence, 80 per cent of whom are women. It offers immediate medical, psychological and social care and gathers evidence that might help to bring the aggressors to justice. It also cooperates directly with the judiciary and police technical units and refers victims to the relevant authorities in order to ensure their right to legal redress. The unit is working so that, in the future, it will be able to offer assistance to victims of different forms of violence.

126. At first, the unit will remain open to the public from 8 a.m. to 7 p.m. Eventually, it will stay open 24 hours a day. Each year, the Charles-Nicolle Hospital takes in 700 victims of violence, 80 per cent of whom are female victims of sexual violence.

127. In addition to the psychological and social support it offers to victims, the unit will work in cooperation with the judiciary and police technical units, placing at their disposal any evidence that might help to bring the aggressors to justice.

128. In the same context, in cooperation with the Council of Europe, the Ministry for Women, Children, the Family and Older Persons has launched a national programme to protect children from all forms of sexual exploitation and abuse. The aim is to raise awareness about the seriousness of the phenomenon and to build the capacities of stakeholders in the field in order to provide adequate protection for children and to intervene in support of victims with the necessary care and support. It includes the delivery of comprehensive services responsive to the needs of children, without discrimination, the development of an advanced and appropriate legislative framework rooted in the principle of legal protection for children, the creation of better conditions based on respect for the best interests of children and the fulfilment of their rights and the development of a network of professionals who work to combat the exploitation and sexual abuse of children.

The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

129. Article 23 of the Constitution reads: “The State shall protect the dignity of human beings and their physical integrity, and it shall prohibit mental or physical torture. The crime of torture shall not be prescribed by a statute of limitations.” Thus, the prohibition of torture has a constitutional force to which all laws and practices must conform.

130. Articles in the Criminal Code dealing with the offence of torture were amended under Decree No. 106 of 2011 to bring them into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A new definition of torture was introduced into article 101 bis of the Code while more severe penalties against public officials or persons of similar status who violate the freedom of others without legal justification were enshrined in article 103.

131. The Decree also envisages sanctions against persons who, either directly or through others, ill-treat an accused person, a witness or an expert for making a statement or in order

to obtain a confession or statement. Thanks to this provision, protection has been extended to cover any witness or expert who might denounce a person responsible for committing torture.

132. Measures have been taken to ensure that the infliction of torture or other cruel, inhuman or degrading treatment or punishment against a child is considered an aggravating circumstance and to ensure that penalties are commensurate with the gravity of the offence. In fact, article 101 (3) bis, as amended by Decree No. 106 of 2011, states: “If torture is inflicted upon a child, the penalty shall be a term of imprisonment of 10 years and a fine of 20,000 Tunisian dinars (D).” Thus, the fact that a victim of torture is a child does constitute an aggravating circumstance.

133. The State has established anti-torture mechanisms, notably through the creation of the National Authority for the Prevention of Torture under Organic Act No. 43 dated 21 October 2013. The Authority acts as an independent national anti-torture mechanism and its jurisdiction extends to all places of detention, in particular civilian prisons, correctional centres for child offenders, child shelter and observation centres, remand centres, psychological treatment institutions, centres for refugees and asylum seekers, migrant centres, quarantine centres, transit areas in ports and airports, disciplinary centres and vehicles for the transportation of persons deprived of liberty. Members of the Authority have access to places of detention and all their attendant facilities, and they may personally conduct interviews – in private and without the presence of witnesses – with persons deprived of liberty or any other person who may be able to provide information. Visits may be made at any time and without prior notification.

134. In the same context, a partnership agreement between the Ministry of Justice, Human Rights and Transitional Justice, the Ministry of Youth and Sports and the Ministry for Women, Children and the Family was concluded on 12 January 2015.¹⁸ Its purpose is to improve the services provided by correctional centres for children in conflict with the law and to develop intervention mechanisms so as to achieve the fundamental goals of those centres while respecting the national system of children’s rights and relevant international treaties.

135. The partnership agreement also seeks to promote the supervisory role of child protection delegates by allowing them, within their territorial jurisdictions, to undertake periodic visits to child correctional centres, at any time and without notice or prior authorization, in order to examine the living conditions and the extent to which the children’s rights are being respected.

136. A cooperation agreement has been concluded with the Ministry of Justice and Human Rights and the Ministry of Social Affairs for the rehabilitation and reintegration of child offenders released from educational reform centres and for their social and psychological support. Partnerships have also been developed with civil society groups and institutions, as follows:

- A cooperation agreement with the Arab Institute for Human Rights in 2013 to promote a rights-based approach to social policies and programmes;
- A cooperation agreement with the Tunisian Human Rights League in 2015 setting forth the procedures for the visits the League conducts to child observation centres and social welfare institutions for the purpose of determining the extent to which living conditions, space and equipment conform to domestic legislation and international human rights treaties;
- A cooperation agreement with the Tunisia bureau of the World Organisation Against Torture in 2015, to support persons who have survived torture and serious human rights violations and enable them to enjoy their rights in the context of the process of transitional justice. In that connection, training courses have been organized for social workers and focal points;

¹⁸ http://www.delegue-enfance.nat.tn/images/legislation/convention_centre_correction_ar.pdf.

- A cooperation agreement with the Tunisian Institute for the Rehabilitation of Survivors of Torture (the NEBRAS Institute) in June 2016 aimed at the rehabilitation and social and professional reintegration of torture survivors;
- A framework partnership agreement with the association Women and Leadership and the Tunisian Association for the Rights of the Child in June 2016, concerning an integrated programme to address and prevent sexual violence against children in general and girls in particular, and to provide care for victims.

137. The programme of cooperation included training courses to build the capacity of social stakeholders (directors of social welfare and integration centres, heads of other social welfare mechanisms, etc.) to recognize and care for victims of torture in various social welfare institutions and structures. In addition, the programme involved drafting a reference document on intervention mechanisms and techniques for social workers and psychologists working with that category of persons, and it envisaged a special card to standardize the counselling process across the different stakeholders involved in the care and accompaniment of victims of torture.

Physical and mental recovery and social reintegration of child victims

138. In the light of constitutional provisions concerning the rights of the child, particularly article 47 (2), and in order to reinforce the Child Protection Code, the Ministry of Justice has established a committee within its Centre for Legal and Judicial Studies, on which representatives from various ministries and from civil society are working together to draft a law to revise the Code. The revisions aim to provide all forms of protection for child victims and to consolidate protection for children at risk and child offenders.

139. Chapter 4 of Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons focuses on protection and support mechanisms for victims of human trafficking, particularly with regard to persons trafficked for economic or sexual exploitation. The Act gives the National Authority for the Prevention of Human Trafficking the task of providing such support, be it medical (article 59), social (article 60) or legal (article 61).

140. Organic Act No. 58 of 2017 to eliminate violence against women includes provision for mechanisms to support women victims of violence and their children. The Act obliges the State, in coordination with competent departments, to accompany victims of violence with the necessary social, health and psychological assistance, provide them with shelter and facilitate their reintegration (final paragraph of article 4). In addition, the Act also enshrines the right of women and their children to receive health and psychological care as well as appropriate social accompaniment where necessary, from both State and civil society, also via counselling.

(b) The number of children with disabilities who are excluded from school, according to type of impairment (visually-impaired, blind and deaf, psychosocial or physical).

Reply

141. Disability associations attend to the running of educational institutions for the habilitation and vocational training of persons with disabilities. Such institutions are subject to the joint sectoral agreement for the staff of associations for the care of persons with disabilities, issued under a decree of the Minister of Social Affairs on 4 January 2014. Under the decree, such institutions act as both employer and operator.

142. A total of 290 disability associations and branch associations attend to the running of 310 educational institutions for the habilitation and vocational training of persons with disabilities. In the academic year 2016/17, those facilities were attended by 16,496 students with disabilities. A total of 3,836 specialized and paramedical staff work in educational institutions for the habilitation and vocational training of persons and in-home assistance.

143. In addition, the State provides material and technical support to the associations and branch associations, which receive subsidies to cover the costs of habilitation, special education and home assistance for persons with disabilities, as per Government Order No. 458 of 2015, dated 9 June 2015, which establishes the criteria, procedures and conditions

used by the State and social funds for disbursing such subsidies. The Order was subsequently amended by Government Order No. 100 of 2018, dated 22 January 2018, which amends Government Order No. 458 of 2015, dated 9 June 2015, which establishes the criteria, procedures and conditions used by the State and by social funds to grant subsidies to organizations of persons with disabilities to cover the costs of rehabilitation, special education and home assistance for persons with disabilities.

144. In 2017, nearly D 33 million was disbursed in subsidies to organizations of persons with disabilities to cover the costs of rehabilitation, special education and home assistance for persons with disabilities.

145. Persons with disabilities enrolled in special education centres, by type of disability:

Total number of children with disabilities enrolled: 16 496

Children with motor disabilities: 4 046	24.5 per cent
Children with visual disabilities: 704	4.2 per cent
Children with hearing disabilities: 2 889	17.5 per cent
Children with intellectual disabilities: 8 364	50.7 per cent
Children with multiple disabilities: 492	2.9 per cent

Article 8

Awareness-raising

Question 13: Please provide information on whether the State party has developed any national policies and action plans for awareness-raising that are in conformity with the principles of the Convention for all public officials involved in the promotion, protection or implementation of the right of persons with disabilities, including officials at the governorate level dealing with persons with disabilities.

Reply

146. Departments for disability within the Ministry of Social Affairs have worked in partnership with civil society associations, as well as with international organizations and cooperation programmes, to promote the rights of persons with disabilities and to build the capacities of persons working in that sector. In the period 2012–2014, a cooperation programme was run jointly with the European Union (Spain and Germany) with the aim of promoting the economic and social integration of persons with disabilities.

147. The programme envisaged a number of phases including an analysis of the situation of persons with disabilities in Tunisia and a critical reading of existing legislation and of educational, social, health-care and professional integration programmes. Other phases involved training courses and awareness-raising campaigns for public servants and for organizations and associations operating in the field of disabilities, and for persons with disabilities themselves. Subjects covered included education, employment and adapting the environment:

- Ten training courses were held to build the capacities and expertise of 30 associations on rights and facilitated access;
- Ten training courses on care and social integration were held for 30 associations;
- Forty training courses were run for public bodies – such as ministries, public institutions and municipalities – on facilitated access, disability legislation, employment, vocational training, integration into schools, special education, reasonable accommodation and statistics.

148. A national strategy devised in the context of Tunisian–European cooperation includes a communications plan to make the rights of persons with disabilities better known. The plan seeks to raise awareness throughout society – persons with disabilities themselves and government and private institutions – about how to ensure social and economic integration of that category of persons.

149. A cooperation and partnership agreement has been concluded with Italy for a three-year period from 2018 to 2020 on implementing the provisions of the Convention on the Rights of Persons with Disabilities, with total funds of €1,900.

150. The cooperation agreement covers three areas including a programme for implementing the national strategy for the advancement of persons with disabilities and their integration into social and economic life. It also aims to build capacities and improve qualifications among persons who operate in the field, including social workers belonging to the Ministry of Social Affairs and persons working for associations of persons with disabilities. Lastly, the agreement focuses on building know-how and capacities among officials who work centrally to gather and process data and statistics about persons with disabilities.

151. Tunisia seeks to disseminate a human rights culture on as wide a scale as possible. At the same time it is taking steps to amend school curricula – including all textbooks – at both primary and secondary level and has introduced a general module on human rights.

Question 14: Please inform the Committee about measure taken to ensure the availability of the Convention in accessible formats.

Reply

152. In order to make the Convention on the Rights of Persons with Disabilities more widely known and to render its provisions vis-à-vis how to treat and interact with persons with disabilities more accessible, the Ministry of Social Affairs and other government entities have published and disseminated booklets and pamphlets simplifying the text. Achievements in this regard include:

- Issuing and distributing booklets summarizing the most important articles of the Convention in simplified format for different levels of education and different age groups;
- Issuing the text of the Convention in sign language;
- Recording an audio version of the Convention on CDs for the benefit of persons with visual disabilities. Work is ongoing to produce a version in Braille.

Article 9

Accessibility

Question 15: Please provide detailed information on budget allocation and monitoring; the compliance and sanction mechanisms in place at the national and governorate levels to ensure accessibility relating to physical environment, transportation, information and communication technology; and other facilities open or provided to the public since the previous concluding observations.

Reply

153. The initiatives the Tunisian State is taking to facilitate access for persons with disabilities to public facilities, transportation, etc. are part of activities within the framework of international cooperation agreements. Those activities include:

- Facilitating access to administrative security services by developing and modernizing reception areas in model security centres and the model area for citizens in the headquarters of the Ministry of the Interior. The latest innovations include access ramps and reception desks, in line with approved standards in that field;
- Publishing a simplified “access guide” and distributing it to all relevant public departments in both digital and paper formats. The guide includes a map of the different services and facilities available in the districts of Manouba and Menzel Bourguiba classified according to degree of accessibility;
- Conducting large and medium-scale pilot projects in those districts to adapt residential, leisure, educational and professional spaces to make them accessible to persons with disabilities;

- Funding 32 medium-scale initiatives to modify buildings that provide services to the public such as shops, leisure areas, train and bus stations and automatic teller machines;
- Funding for three large-scale projects in the same field: the public square in Manouba, the public square in Menzel Bourguiba and model housing in a vocational habilitation centre for persons with motorial disabilities and persons who have experienced life-changing accidents, to help them adjust to the needs of everyday life in their own homes.

154. An agreement was signed in 2013 to supplement the cooperation agreement between the Ministry of Social Affairs and the Government of Italy regarding the social integration of persons with disabilities. The new agreement concerns funding for projects and activities to benefit that category of persons.

155. The supplemental agreement covered the rebuilding of a special education centre belonging to the Regional Federation of the Blind in Gafsa, to bring it into line with international specifications on facilitated access and to fit it with adaptive equipment necessary to respond to the needs of that category of persons, with a total outlay of €90,000 (see also paragraphs 44 to 51 of the present report).

156. The following measures have been taken to facilitate the access and movement of persons with special needs travelling on vessels belonging to the Compagnie Tunisienne de Navigation.

- Special procedures have been adopted at distribution and salespoints to identify travellers with special needs. Travellers are required to inform travel agencies of any particular requirements they may have, they are allocated special cabins and the company is informed of the date of travel in order to be able to take the necessary steps at the port;
- A dedicated lane and check-in desk for persons with special needs has been set up and in the company agency at the port of La Goulette;
- When they check in at the port, travellers with special needs are issued with a priority card to facilitate their boarding and disembarkation from the vessel and their movement during the voyage;
- Vessels belonging to the Compagnie Tunisienne de Navigation are fitted with cabins that meet international standards vis-à-vis passengers with special needs. They are also equipped with wheelchair-friendly lifts and, in the hold, parking places near the lifts are set aside for the vehicles of persons with special needs;
- Medical care is provided during the journey and according to need, for the benefit of passengers with disabilities;
- Persons with physical disabilities wishing to obtain various categories of driving licence (for land transportation) are subject to the provisions of Order No. 142 of 2000, dated 24 June 2000, which regulates different categories of driving licence and sets forth the conditions for their concession, validity and renewal. Work is currently ongoing to amend the Order.

157. Tunisair has the following measures in place for the benefit of persons with disabilities:

Before travel

Booking

158. Persons with special needs can book their trip either via the Tunisair call centre, at their usual travel agency or at Tunisair salespoints. The time of their booking is communicated to them in a manner compatible with their particular needs.

Fares

159. Persons in possession of a disability card issued by the competent authorities and resident in Tunisia are, irrespective of their nationality, entitled to a 50 per cent reduction on their ticket. The reduction is calculated on the basis of an ordinary tourist class fare and is applicable to flights with Tunisair departing from Tunisia.

Carriage of mobility aids

160. Persons with limited mobility may check in two mobility aids free of charge (a wheelchair and a walking frame) within certain size and weight restrictions.

161. Medical supplies (crutches, walking frames, medications) may also be carried on Tunisair flights free of charge.

Travellers on a stretcher

162. The transportation of a traveller on a stretcher requires, depending on the aeroplane, a space equivalent to between six and nine seats. For that reason, it is subject to the following conditions of sale:

- An amount equivalent to four times the full price of a one-way tourist-class ticket, not including the equipment;
- A single full-price ticket for the equipment, for the traveller on the stretcher;
- A single full-price ticket for the person accompanying the traveller on the stretcher.

Assistance dogs

163. Tunisair allows travellers with hearing or visual disabilities on its flights to be accompanied by an assistance dog free of charge.

At the airport

164. Passengers with special needs are provided with free care and support at airports in Tunisia:

- They can move around the airport in a wheelchair;
- They receive all the services they require from the moment of check-in until boarding the aircraft;
- A wheelchair is available on board to transport passengers with limited mobility along the aircraft corridor; for example to and from the lavatories;
- These services are also available for connecting flights when passengers with special needs have to move from one flight to another.

165. As regards the access and movement of travellers with special needs, it should be noted that the Ministry of Transport is in the process of drafting an air transportation bill to amend the Civil Aviation Code. The drafting process is taking account of European legislation so as to achieve legislative harmony between Tunisia and the European Union, and the bill includes a number of provisions for the benefit of persons with disabilities:

- Carriers are to give priority to travellers with special needs, persons accompanying them and unaccompanied children, both when boarding the aircraft and during in-flight service;
- Carriers may not, on the grounds of a person's special needs, prevent such a person from booking a specific flight or from boarding the aircraft if in possession of a confirmed booking, except in the following circumstances:
 - In order to comply with safety requirements, as set forth in either international or domestic law or imposed by the authority that granted the carrier its operating licence;
 - If the size of the aircraft or its doors are such that the boarding or transportation of the person with special needs would be physically impossible.

166. In either of the two cases, the carrier is required to provide written notification to the person with special needs explaining the reasons for the refusal, by means of registered letter.

167. In the same circumstances as those described above, carriers may require that the person with special needs be accompanied by another person, if the former's state of health so requires.

168. Any air traveller including persons with special needs have the right to submit a complaint to the competent authorities if the terms of the contract of transportation are not fulfilled.

169. In parallel with the foregoing, a “vigilant citizens” plan was incorporated into the integrated administrative reform programme. The programme aims to modernize Tunisian administrative structures and turn them into an effective instrument of comprehensive development.

170. The vigilant citizen, just like all other citizens, demands effective services and, in order to verify the quality of administrative services provided by public offices, teams have conducted no fewer than 25,000 programmed yearly visits to around 6,000 offices providing direct services to the public.

171. The reports submitted by vigilant citizens cover various aspects of public services: the state of buildings, care for surroundings, the manner in which citizens are received, the attitude of officials, the conditions in which they work, the quality of services, etc.

172. Apart from its own daily programme of work, the team of vigilant citizens also carries out campaigns to determine the quality of services and the extent to which new provisions in regard of administrative development are being applied, particularly as regards the application of laws concerning persons with disabilities.

Question 16: Please inform the Committee on training provided to information and communications technology architects, engineers and programmers and other professions regarding implementation of article 9 of the Convention, including its general comment No. 2 (2014) on accessibility. Furthermore, please provide information on measures taken to promote and disseminate general comment No. 2.

Reply

173. As part of its efforts to apply the provisions of article 9 of the Convention regarding accessibility, the Ministry of Social Affairs has held courses for engineers and architects of the Ministry of Equipment to raise their awareness about the needs of persons with disabilities when planning future buildings and urban development.

174. Between 2011 and 2013, engineers and architects working in the districts of Manouba and Menzel Bourguiba were able to follow training courses on adapting the environment and infrastructure to make them accessible and on a rights-based approach to disability in the light of article 9 of the Convention.

175. In the same context, a booklet on universal access has been issued and adopted as a guide for services for persons with disabilities in their daily lives, to facilitate their handling of their own affairs. The guide has been adopted by local and regional councils as part of their own development plans.

176. In the context of ongoing cooperation with the International Disability Alliance to improve access for persons with disabilities to State-run social facilities, six bases for local social welfare units have been set up that meet established criteria regarding facilitated access to services for persons with disabilities.

177. On a separate front, the legal framework regulating the communications sector includes a number of provisions relating to the rights of persons with disabilities:

- Order No. 1467 of 2006, dated 30 May 2006, which governs technical specifications relative to facilitating the movement of persons with disabilities within public buildings and areas, shared facilities, residential complexes and private buildings that are open to the public;
- Order No. 1477, dated 30 May 2006, which concerns the accessibility of information sources and the media to persons with disabilities, and the facilitation of the movement of persons with disabilities;
- Decree of the Minister of Information Technology and Communications, dated 30 December 2013, which establishes a comprehensive list of telecommunication

services; article 2 of the Decree includes provision for “services for persons with special needs”;

- Minister of Information Technology and Communications Decree of 29 July 2013, under which approval was given for a protocol regarding the use of public telephone centres. Article 17 of the protocol states: “operators of public telephone centres shall ... create a special entrance for persons with special needs. If that is not possible, the operators concerned must assign a staff member to facilitate access to the centres for such persons”.
- Minister of Information Technology and Communications Decree of 29 July 2013, under which approval was given for a protocol regarding the use of public Internet centres. Article 11 of the protocol states: “operators of public Internet centres shall ... create a special entrance for persons with special needs. If that is not possible, the operators concerned must assign a staff member to facilitate access to the centres for such persons”.

178. In cooperation with the National Federation of the Blind, a pilot media and Internet programme has been rolled out for students with disabilities at the Université Virtuelle de Tunis, in accordance with accepted international digital-access standards. This programme includes six modules covering the fundamentals of media and the Internet.

Article 10

Right to life

Question 17: Please give detailed information of the *régime juridique* (legal system) regulating the right to life in relation to assisted suicide.

Reply

179. In addition to information contained in the previous report of Tunisia, it should be noted that article 22 of the Constitution states that the right to life is sacred and cannot be prejudiced except in exceptional cases regulated by law. Under article 23, the State is obliged to protect the dignity of human beings and their physical integrity.

180. In the same context, article 206 of the Criminal Code envisages a term of imprisonment of 5 years for anyone who knowingly assists another person to commit suicide.

181. It should be pointed out that Tunisian legislation is consistent with the provisions of article 10 of the Convention on the Rights of Persons with Disabilities, which recognizes the inherent right to life of persons with disabilities.

182. In addition, article 113 of the Code of Military Procedure and Penalties envisages a term of imprisonment for any member of the military who deliberately renders himself unfit, temporarily or permanently, to carry out legally imposed military duties. The attempt to commit such an act is likewise liable to punishment.

183. The punishment is redoubled for accomplices who are doctors or pharmacists (military or civilian) or officers with health-related duties.

184. Military law protects the physical integrity of service personnel and criminalizes any action liable to jeopardize such integrity. It also envisages penalties for accomplices who assist or attempt to assist a member of the military to commit suicide, particularly if that accomplice has health-related duties.

185. In 2015, the suicide rate stood at 3.7 per 100,000 population (4.75 men and 1.80 women); i.e., 365 deaths as compared to 372 in 2014. The suicide rate is higher among persons between the ages of 20 and 39.

186. In order to combat and reduce the phenomenon of suicide among young people, the Minister of Health issued a Decree on 5 February 2015 for the creation of an anti-suicide technical committee. The committee is currently working to develop a national suicide prevention strategy, which focuses on increased levels of awareness about suicide and attempted suicide, care for the mental health of children, follow-up on specific cases, health monitoring of cases of suicidal behaviour and health insurance for at-risk and vulnerable cases.

187. A government order for the creation of a national register of attempted suicides is currently being drafted. The intended purpose is to gather information concerning suicides and suicide attempts; that information can then be analysed and used for research and planning with a view to combating the phenomenon.

188. In cooperation with a number of NGOs, efforts are under way to provide awareness-raising, counselling and guidance services with a view to preventing at-risk behaviours that can have grave health and social repercussions. To that end:

- Training courses have been held for doctors and psychologists, beginning in 2016;
- School health professionals and psychologists have been making field visits to schools, particularly in rural areas;
- Counselling and guidance offices have been set up to deliver medical lessons in middle and secondary schools, as well as in institutes of higher education, as a way of identifying students' physical and psychological problems and the difficulties they may face within their families.

Article 11

Situations of risk and humanitarian emergencies

Question 18: Please provide information about whether any legislative or policy measures have been adopted to protect persons with disabilities in situations of risk and emergencies.

Reply

189. In accordance with article 11 of the Convention on the Rights of Persons with Disabilities and out of humanitarian consideration for persons with disabilities in risk situations such as armed conflict, humanitarian emergencies and natural disasters, priority is given to providing emergency assistance to members of that group, as required.

190. Legislative measures have been taken to ensure the protection and safety of persons with disabilities in such situations. Article 24 (1) of the Fire, Explosion and Building Collapse Safety and Prevention Code, which was adopted under Act No. 11 of 2009, dated 2 March 2009, states: "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."

191. Order No. 1467 of 2006, dated 30 May 2006, governs technical specifications relative to facilitating the movement of persons with disabilities within public buildings and areas, shared facilities, residential complexes and private buildings that are open to the public. Acting on that Order, the Ministry of Equipment, Housing and Territorial Planning is striving to protect persons with disabilities from situations of danger, promote their integration into daily life, ensure that they are able to access public and private buildings – shops, leisure facilities, service centres or housing – and facilitate their movement within those buildings. The Ministry accomplishes this by studying the applications of parties requesting building licences in order to verify that applicants – be they public or private institutions or property developers – fulfil the necessary conditions.

Article 12

Equal recognition before the law

Question 19: Please inform the Committee about whether any legislative and policy measures have been taken to replace substituted decision-making by supported decision-making, in particular for persons with psychosocial or intellectual disabilities, particularly with regard to financial transactions, in the light with its general comment No. 1 (2014) on equal recognition before the law.

Reply

192. Persons with disabilities enjoy, as do other persons, legal standing that enables them to have rights. Legal standing starts with the start of a human life and is supported thereafter for all persons without discrimination on grounds of age, sex or mental or physical disability.

193. The concept of legal agency applies differently to persons with disabilities according to the nature of their disability.

194. Persons with physical disabilities have legal agency. They enjoy protection under the law, in particular Act No. 60 of 1994, dated 23 May 1994, which requires a notary to witness contracts of sale concluded by persons with major disabilities, such as persons who are deaf, mute or blind, or persons with similar disabilities, in the presence of a party appointed by the district judge. In addition, there is Act No. 103 of 1994, dated 1 August 1994, which regulates identification by signature and the certification of the conformity of copies with originals, particularly in cases involving persons with hearing, speech or visual disabilities. The Act stipulates that a report shall be made and read out in the presence of a witness who is competent to verify the signature, has legal capacity to contract and has been chosen by the contracting party with a disability.

195. The Personal Status Code identifies three types of mental disability: insanity, mental impairment and dysfunction. Pursuant to the provisions of article 5 of the Code of Obligations and Contracts, persons with disabilities who are insane have capacity to act only through their representatives. Persons with other types of mental disability have restricted capacity whereby they can act with the participation of their representatives.

196. Persons with mental disabilities can only be declared legally incompetent due to insanity, mental impairment or dysfunction by decision of a judge and based on consultation with medical experts specialized in mental and psychological disorders. When a person with mental disabilities is declared legally incompetent, the judge appoints a guardian to assume responsibility for the rights of the person concerned, under the supervision of the judge.

197. In order to safeguard the right of persons declared legally incompetent on grounds of insanity, mental impairment or dysfunction to regain their legal capacity, article 168 of the Personal Status Code states that such persons are entitled to apply to the courts to overturn the decision without acting through their guardians.

198. Persons with physical disabilities are not subjected to any form of tutelage in the exercise of their rights to vote, marry or appear in court. They enjoy legal protection on an equal footing with others. They have the right to conclude all forms of contract (civil, commercial, marriage, etc.) to take legal action, to vote in elections and to stand as candidate.

199. Persons with mental disabilities declared legally incompetent by court order are subject to the tutelage of court-appointed guardians who exercise that tutelage under judicial supervision, as follows:

200. *Tutelage of persons with disabilities who are insane:* Persons with disabilities who are insane – since they have completely lost their intellectual faculties – do not have any legal capacity to enter contracts, marry, vote or appear in court, be it as plaintiff or defendant. Consequently, they are assigned court-appointed guardians who assume direct responsibility for their rights under the supervision of the judge.

201. *Tutelage of persons with disabilities who are mentally impaired or dysfunctional:* Persons with disabilities who are mentally impaired or dysfunctional have restricted legal capacity, whereby they may conduct their affairs in certain areas of public and private life, provided that they do so with the participation of their guardians. Under article 9 of the Code of Obligations and Contracts, they are entitled to improve their situation, even without the participation of their guardians, by accepting gifts or other donations that would increase their earnings or acquit them of their obligations, without any consequences for them.

202. Thus, the current Tunisian legal system enshrines the principle that all persons enjoy legal standing and legal agency without restriction or condition. The only exception to this are the restrictions on freedom of legal agency (not legal standing) through a system of tutelage over decision-making. This is regulated by court order and based on medical advice in order to ensure that the system of tutelage and guardianship serves to protect persons with serious mental disabilities, particularly insanity.

203. Acting on the relevant recommendation issued by the Committee on the Rights of Person with Disabilities, the subcommittee on legislation – which emerged from the national committee established to follow up on recommendations received – considered that the implementation of this recommendation would have a serious impact on parts of the domestic legal system: the 1906 Code of Obligations and Contracts Code as regards the issue of legal capacity and the 1956 Personal Status Code as regards rationalization, interdiction and a body of specific legal provisions. In turn, this would entail an examination of the current situation in Tunisia on all fronts (legal, health-related and social) and a thorough study of available possibilities whereby the system of tutored decision-making could be replaced with a system of supported decision-making. Ultimately, a proposal for practical and legislative solutions could be made. That entire process would require coordination between all the parties involved over an extended period of time.

Article 30

Participation in cultural life, recreation, leisure and sport

Question 20: Please inform the Committee about measures in place to foster the inclusion of persons with disabilities into cultural life, recreation, leisure and sport, including access to public libraries and national monuments.

Reply

204. The Ministry of Culture, through its various structures as well as the institutions under its control, dedicates a large part of its efforts to persons with disabilities in order to ensure that they benefit from cultural activities (as both recipients and participants) and to uphold their rights in that regard.

205. Activities for persons with disabilities are incorporated into the following programmes:

Libraries

206. The Ministry of Culture is working to make areas for persons who are blind or partially sighted available in all regional libraries. In addition, audiobooks and books in Braille are annually added to the stocks of public libraries (see annex 7).

Cultural activities

207. The Ministry of Culture is working to raise awareness about the importance of organizing cultural activities for persons with disabilities. The specific needs of that category of persons were taken into account when developing the Ministry's cultural programme for 2018 and, in fact, 205 cultural events for persons with disabilities, covering different areas of artistic endeavour, took place across the whole of national territory (see annex 8).

Activities for children

208. The Ministry of Culture works to disseminate and popularize puppetry and to promote theatrical culture among all classes of society. To that end, it organizes puppet festivals aimed primarily at children with a view to encouraging puppet theatre among the young. Programmes in this connection include activities for the benefit of persons with disabilities:

- Theatrical rehearsals for children with hearing and speech disabilities, run by the Centre national des arts de la marionnette;
- Theatrical performances by and for children with disabilities; the shows are also offered to the general public with the help of theatre staff and students who work in social care centres;
- Joint working agreements with disability associations and social care centres;
- The creation of an interactive environment between children with disabilities and non-disabled children in activities such as workshops and theatre performances run by the Centre national des arts de la marionnette;

- Puppet-making workshops for people with disabilities to help them develop their skills of expression and communication.

209. A number of measures have been taken to ensure that persons with disabilities are able to access areas under the supervision of the Ministry of Culture, such as the Cité de la Culture, cultural centres, theatres and public libraries. The measures are also consistent with the principle whereby all groups, without discrimination, have the right to culture:

- All cultural institutions, especially the newest, have special corridors for persons with disabilities, in addition to lifts if the building in question has multiple levels;
- Cultural institutions have health units for people with disabilities, with technical specifications and standards that enable the use of wheelchairs, in accordance with Order No. 1467 of 2006, dated 30 May 2006, governing technical specifications relative to facilitating the movement of persons with disabilities within public buildings and areas, shared facilities, residential complexes and private buildings that are open to the public;
- Theatres and exhibition halls have spaces for wheelchairs, on the first row in front of the stage;
- The Cité de la Culture has specially sized parking places close to the entrances, for the benefit of wheelchair users.

210. The Agency for the Development of Heritage and Cultural Promotion also takes account of the needs of persons with disabilities through:

- Health units for persons with disabilities, including special corridors for them and appropriate signage.

211. The National Centre for Child-Oriented Media and its regional centres have:

- Included children with mild physical, intellectual and hearing disabilities in training courses for non-disabled children;
- Involved children with hearing disabilities in the national “Scratch” programming competition organized by the Tunisian Informatics Association in partnership with the National Centre for Child-Oriented Media and its regional centres during the academic year 2016/17. It is hoped to extend this experience, which was organized centrally, to the regional level during 2018;
- Provided information technology training courses for children with disabilities and relevant teaching staff; 3,215 children with disabilities benefited from such courses during the academic year 2016/17;
- Provided software and technological aids appropriate and specific to each disability in order to enable children to access information digitally.

212. The Ministry of Defence provides care for the families and children of its military and civilian personnel, including those with disabilities. To that end, it organizes social and educational activities such as trips, clubs, recreational programmes, etc. It has also made kindergartens available in most military barracks, which are operated by the relevant structures within the Ministry.

C. Specific obligations

Articles 31–33

Article 31

Statistics and data collection

Question 21: Please provide updated information in relation to the national database, in particular the methodology of the dissemination of data disaggregated by sex, age and type of disability, and also provide information on whether the Washington Group Short Set of Questions on Disability has been included in national censuses and household surveys.

Reply

213. The 2014 general population and housing census¹⁹ constitutes the most recent source of disability data, using the Washington Group methodology.

Article 32**International cooperation**

Question 22: Please provide updated information on memorandums of understanding, bilateral or multilateral agreements signed and implemented between the State party and other State parties or international or regional organizations aiming at promoting inclusive development, in particular, please specify the extent to which any such agreements directly benefit and involve persons with disabilities and their representative organizations.

Reply

214. Conscious of the need to develop a national strategy that incorporates the needs of persons with disabilities into the concept of inclusive and sustainable development and to involve decision-makers in the formulation of plans and programmes, Tunisia has entered into partnership and cooperation agreements with signatories of the Convention on the Rights of Persons with Disabilities as well as with international and regional organizations. It has received support in a number of areas from the following partners.

215. A programme of cooperation with Italy to support the development of a national strategy for the advancement of persons with disabilities and to draft a programme of implementation for the strategy to be incorporated into the national plan for sustainable development.

216. In 2006, an agreement of cooperation was signed with Italy on the social integration of person with disabilities. In 2013, a supplemental agreement was concluded for the funding of a range of projects and activities for persons with disabilities. The agreement covered the rebuilding of a special education centre belonging to the Regional Federation of the Blind in Gafsa to bring it into line with international specifications on facilitated access and to fit it with adaptive equipment necessary to respond to the needs of that category of persons, with a total outlay of €90,000.

217. A cooperation programme was run jointly with the European Union (Germany and Spain) with the aim of promoting the economic and social integration of persons with disabilities. The programme included a number of elements:

- Enabling persons with disabilities to exercise all their rights and developing the capacity of students with disabilities to access digital information;
- Promoting the Tunisian strategy for the economic and social integration of persons with disabilities and improving levels of interaction and communication between public educational institutions and special education centres;
- Adapting special education programmes and providing structural support for staff working in special education centres and those working in the ordinary educational environment. This involved the development of a continuous training programme for educators and administrators and the issuance of pedagogical manual for trainers and special educators;
- Supporting the school integration programme for persons with disabilities by establishing a networking mechanism between the various institutions involved and developing an information exchange protocol (special education centres, ordinary schools, primary school inspectors, etc.);
- Reviewing and developing standards for the integration of children with disabilities into the educational system, schools and vocational training institutions, and for the training of educators and trainers (40 elements).

¹⁹ <http://census.ins.tn/ar/>.

218. Since caring for persons with disabilities is a national responsibility, the cooperation programme with the European Union brings together a number of relevant government actors, in particular the Ministry of Education and the Ministry of Vocational Training and Employment. In fact, the vocational training and employment of persons with disabilities accounts for a large part of the cooperation programme, which also serves as a diagnosis of the current situation of training in ordinary public centres and the level of vocational training in workshops in special education centres run by disability associations.

219. As a result of the diagnosis:

- Training courses were organized for staff at employment bureaus and for regional coordinators of associations, in order to promote joint efforts aimed at employing persons with disabilities;
- A programme was rolled out to foster communication between economic institutions and jobseekers with disabilities;
- Partnership agreements were concluded between economic institutions, disability associations and employment bureaus, aimed at promoting the employment of persons with disabilities;
- An internal institutional policy was drafted regarding selection criteria for persons with disabilities, depending on type of disability and job requirements;
- Training programmes in public centres were adapted to the needs of persons with disabilities;
- Facilitated access procedures were applied in production processes, services and workplaces;
- Studies were carried out on workstations capable of being used by persons with disabilities;
- Reasonable accommodation was provided for jobs done by persons with disabilities;
- A spirit of social responsibility was encouraged in private institutions vis-à-vis the employment of persons with disabilities;
- A programme of cooperation and partnership on inclusive local development was run with the International Disability Alliance, with funding from the Principality of Monaco. The programme, which involved the selection of two pilot areas in the districts of Menzel Bourguiba and Manouba, provided support for access to public facilities and services for persons with disabilities;
- Plans were developed to promote the involvement of persons with disabilities in planning and programming, and a plan was formulated to set up two “accessible” areas. This took place by creating consultation spaces and workshops that brought together engineers in the public and private sectors as well as representatives of civil society and of the International Disability Alliance. They identified areas for intervention and proposed potential projects in that regard (5,000 participants). In addition, awareness-raising campaigns were run on rights-based approaches to disability;
- Steps were taken to develop capacities among local actors (public and private institutions, civil society and municipalities) in the area of accessibility and adaptation of the environment. Around 40 stakeholders, 30 engineers and 50 educators were involved in developing an implementation plan on accessibility and adaptation of the environment in the two areas;
- Small, medium-size and large-scale environmental adaptation projects were rolled out (in schools, train and bus stations, public squares, shops and homes), and some 60 persons with disabilities and non-disabled persons received relevant training;
- Training courses were provided, as well as assistance in the formation of permanent working groups to supervise and oversee all projects in those areas. In addition, train-the-trainer courses were provided for persons with disabilities in order to enable them to run awareness-raising campaigns.

220. Tunisia has signed an important series of memorandums of understanding and bilateral and multilateral agreements over the last three years, as part of its efforts to promote

inclusive development. The memorandums and agreements are consistent with all rights enshrined in international instruments as well as in the Tunisian Constitution, and they reflect the goals of the five-year plan 2016–2020, which aims to achieve social justice, sustainable development and institutional balance.²⁰

221. Persons with disabilities who live abroad benefit from the privileges set forth in bilateral social security agreements between Tunisia and other States in which Tunisians reside. There are 21 such agreements covering family grants, health coverage, reparations for work-related accidents and occupational diseases, death grants, allowances for incapacity and old age and allowances for surviving relatives.

222. The agreements are rooted in the principle of equal treatment for citizens of the two countries concerned with respect to their rights and obligations under social security legislation, their accrual of periods of employment in the two contracting States, the preservation of their acquired rights and the transfer of their benefits and entitlements to the country of residence.

Question 23: Please provide information on measures taken to ensure that persons with disabilities are involved meaningfully and participate in the implementation of the 2030 Agenda for Sustainable Development and related Sustainable Development Goals.

Reply

223. A stable social climate is vital for the realization of the comprehensive development plan 2016–2020. In fact, the social dimension provides the solid foundation for all development work. For that reason, care for groups with special needs is considered to be a national priority to be achieved by pursuing a social policy based on equal opportunities for all groups of society and rejecting all forms of exclusion and marginalization.

224. With a view to providing care for persons with disabilities, over the coming five years a strategic path will be pursued that seeks the effective integration of that category of persons, particularly through the development of legislation and educational and training structures for them. This will be achieved not only by accrediting institutions of special education but also by developing programmes and mechanisms for the advancement of persons with disabilities and facilitating their integration into economic and social life.

225. The Ministry of Social Affairs, in cooperation with the secretariat of the League of Arab States, organized an Arab seminar on the rights of persons with disabilities in the framework of the 2030 Agenda for Sustainable Development. The purpose of the seminar, which took place on 29 and 30 November 2016, was to throw light on the best ways to actuate the rights of persons with disabilities, on the basis of the Sustainable Development Goals and the Convention on the Rights of Persons with Disabilities.

226. The seminar covered the following topics:

- The strong organic and reciprocal relationship between disability and poverty, with a focus on women and children with disabilities and ways to guarantee the rights of persons with disabilities, despite poverty, thereby facilitating their integration into society, the workplace and other areas of life;
- The need to raise awareness, an area in which the media plays an important role; also, the concept of participatory planning, which involves persons with disabilities making direct and effective contributions to programmes and plans for the development of local communities, finding ways to overcome and eradicate obstacles and focusing on the best ways to update national development strategies;
- The empowerment of persons with disabilities to live independently and to participate fully in all areas of life; also, encouraging governments to ensure accessibility to the physical environment, information technology, communications, teaching technologies and other necessities;
- The concept of social protection and work to adopt this development- and welfare-related principle, which is tied to the achievement of an adequate standard of living.

²⁰ http://www.mdici.gov.tn/wp-content/uploads/2017/06/Volume_Global.pdf.

This is to be achieved by providing employment opportunities, vocational habilitation and education, facilitating sound integration into the labour market and strengthening the capacities of persons with disabilities while ensuring that they are not deprived access to the most basic necessities and primary needs.

227. In order to guarantee the right of persons with disabilities to participate effectively in the implementation of the 2030 Agenda for Sustainable Development:

- A poll was conducted, both directly in government offices as well as via telephone, under the slogan “the Tunisia we want”. It was open to all sectors of society, including civil society institutions, and aimed to identify the country’s priorities and its areas of concern for the post-2015 development agenda. A questionnaire in Braille was adopted for the benefit of persons who are visually impaired or blind;
- A participatory approach was adopted during all stages of the drafting of the development plan 2016–2020. Economic and social actors as well as political parties and civil society groups, including disability associations, were all involved in formulating a development plan consistent with the objectives of the 2030 Development Agenda;
- A series of workshops was organized around the 2030 Development Agenda with the aim of promoting constructive joint consultations with civil society on implementation and ownership of the Sustainable Development Goals.

228. In preparation for the issuance of the first report of Tunisia regarding progress in the implementation of the 2030 Agenda for Sustainable Development, a multisectoral coordinating mechanism with responsibility for the integrated implementation of the Sustainable Development Goals has been created within the Ministry of Development, Investment and International Cooperation.

Article 33

National implementation and monitoring

Question 24: Please provide detailed information on the appointment of focal points for matters relating to the implementation of the Convention.

Reply

229. The High Committee for Human Rights and Fundamental Freedoms, which is an independent human rights body, is an autonomous mechanism that promotes, protects and monitors the implementation of the Convention.

230. Under article 5 of Act No. 37, dated 16 June 2008, which regulates the High Committee for Human Rights and Fundamental Freedoms, the head of the Committee undertakes unannounced visits to social welfare structures that care for persons with special needs, in order to ascertain the extent to which national legislation on human rights and fundamental freedoms is being applied.

231. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights was brought into being pursuant to Government Order No. 1593 of 2015,²¹ which was subsequently amended by Government Order No. 662 of 2016, dated 30 May 2016.²² The National Commission is responsible for coordinating and drafting periodic reports submitted by Tunisia to United Nations and regional human rights bodies, for discussing those reports with the bodies concerned and for following up on any recommendations made.

232. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights has the following duties:

- (a) Coordinating among all stakeholders then drafting, writing up and submitting government reports relative to human rights;

²¹ <http://www.legislation.tn/sites/default/files/journal-officiel/2016/2016A/Ja0472016.pdf>.

²² http://www.legislation.tn/detailtexte/D%C3%A9cret%20Gouvernemental-num-2016-663-du-30-05-2016-jort-2016-047__20160470066332?shorten=DQY.

(b) Following up on the implementation of recommendations made by United Nations and regional human rights bodies, and making proposals to the Government regarding its human rights policies.

To that end, the National Commission undertakes the following:

233. *As regards the preparation, submission and discussion of reports:*

- It prepares and submits government reports in a timely manner and discusses them with the relevant United Nations and regional treaty bodies (in regard of treaties to which Tunisia is a party), the Human Rights Council, special procedures of the United Nations and regional bodies and institutions;
- It coordinates and cooperates with national organizations and institutions on the drafting of Tunisian government reports and responses to international and regional human rights reports;
- It cooperates and collaborates, within the terms of its mandate, with United Nations organizations and specialized agencies, regional organizations and NGOs concerned with human rights;
- It updates the common core document as required;
- It coordinates the collection of information and statistics in order to establish an effective and practical system of human rights information and indicators.

234. *As regards follow-up on recommendations:*

- It follows up on comments and recommendations made by United Nations and regional human rights bodies;
- It collects and classifies recommendations;
- It analyses the requirements for each recommendation and identifies the stakeholder responsible for taking action;
- It adopts measures and guidelines to ensure coordination between all parties in implementation;
- It prepares periodic reports on the progress made by the Tunisian Government in meeting its obligations and monitors progress made in the implementation of recommendations.

Moreover, in undertaking its duties as set forth in article 2 of the aforementioned Government Order, the National Commission is careful to ensure the involvement of civil society organizations and other national bodies active in the field of human rights. Article 4 of the Government Order reads: “The Commission may request all the information, of whatever kind, it may require during the course of its work, while all ministries, departments and structures must facilitate the Commission’s access to the requested information.” (See also paragraphs 11 to 43 of the present report).

Question 25: Please provide detailed information on any measure taken and the time frame to replace the Higher Council for the Social Advancement and Protection of Persons with Disabilities, dismissed in 2011, with a national independent mechanism for monitoring the Convention. Include information on whether measures to ensure that persons with disabilities and their representative organizations can fully participate in the monitoring of the implementation of the Convention.

Reply

(See paragraphs 11 to 43 of the present report).

Question 26: Please inform the Committee about any measures taken by the High Committee for Human Rights and Fundamental Freedoms to enhance the following aspects:

(a) The representation of persons with disabilities and their representative organizations.

Reply

235. The High Committee for Human Rights and Fundamental Freedoms is the national human rights institution of Tunisia. Its mandate, as enshrined in the law that regulates it,²³ allows it to intervene in the following areas related to the affairs of persons with disabilities:

- It receives complaints and petitions and, as necessary, interviews the complainants themselves; it then refers the matter for action to the competent authority;²⁴
- The head of the Committee undertakes unannounced visits to social welfare structures that care for persons with special needs;²⁵
- It establishes relationships with NGOs and other associations, combats all forms of discrimination and works to protect vulnerable groups.²⁶ By way of example, the Committee has met with representatives of the International Disability Alliance and of the Tunisian Organization to Defend the Rights of Person with Disabilities to discuss cooperation and the most important issues facing persons with disabilities. It has also held meetings with the head of the Association Tunisie Terre des Hommes;
- It has organized lectures on issues related to human rights and fundamental freedoms²⁷ and has participated in two symposiums²⁸ to present the High Committee's experience in Tunisia and to examine the draft organic act on the Human Rights Commission in aspects affecting persons with disabilities.

236. As concerns the representation of persons with disabilities and their representative organizations, the current composition of the High Committee includes a member with a physical disability who is a prominent national figure. However, no civil society organization involved with persons with disabilities figures among the associations represented on the Committee.

236. In addition, none of the subcommittees that are currently part of the High Committee specifically deals with the affairs of persons with disabilities.

237. It should be noted that the draft organic act on the Human Rights Commission currently before the Assembly of the Representatives of the People for discussion and ratification²⁹ includes obligatory provision for a committee on the rights of persons with disabilities as one of the standing committees of the constitutionally mandated Human Rights Commission.³⁰

238. The philosophy underpinning the draft organic act on the establishment of the Human Rights Commission tends towards giving the Commission an overarching and comprehensive mandate over all human rights issues, which are global, inclusive, interrelated and indivisible. The role of the Commission will be to monitor the respect, protection,

²³ Act No. 37 of 2008, dated 16 June 2008, regulating the High Committee for Human Rights and Fundamental Freedoms.

²⁴ Article 2 of Act No. 37 of 2008, dated 16 June 2008, regulating the High Committee for Human Rights and Fundamental Freedoms. Complaints and petitions submitted by persons with disabilities or their families normally concern applications to obtain a disability grant; requests for health care and for better treatment in prisons; requests to be moved from prison to a psychiatric hospital; and, lastly, requests to intervene with the competent authorities to be integrated into a job having successfully completed an examination.

²⁵ Article 5 of Act No. 37 of 2008, dated 16 June 2008, regulating the High Committee for Human Rights and Fundamental Freedoms.

²⁶ Article 11 of Act No. 37 of 2008, dated 16 June 2008, regulating the High Committee for Human Rights and Fundamental Freedoms.

²⁷ Article 3 (4) of Act No. 37 of 2008, dated 16 June 2008, regulating the High Committee for Human Rights and Fundamental Freedoms.

²⁸ In the context of the "Decide: disability, empowerment, participation and dialogue" project, the International Disability Alliance and the Tunisian Organization to Defend the Rights of Person with Disabilities organized two symposiums on national implementation and monitoring mechanisms for the Convention on the Rights of Persons with Disabilities. The purpose of the events – which took place on 27 December 2016 and 24 January 2017 – was to foster dialogue between organizations of persons with disabilities and the public authorities.

²⁹ Draft organic act No. 42/2016 concerning the Human Rights Commission.

³⁰ Article 45 of draft organic act No. 42/2016 concerning the Human Rights Commission.

promotion and development of human rights, which requires broad monitoring and investigative powers over violations, in accordance with the Constitution.

239. In order to ensure that the Commission's interventions are credible and effective, the draft organic act includes provision for mechanisms to act on the recommendations and proposals it makes. This will take place through the organizations it represents, including organizations for persons with disabilities. The draft also underscores the importance of collaboration and coordination with governmental structures and judicial bodies and stipulates the need for mechanisms to ensure interaction and complementarity between the work of the Commission and that of other independent, specialized, constitutional bodies and civil society groups.

(a) The representation of persons with disabilities and their representative organizations.

Reply

240. The opinion of the Venice Commission No. 724/2013 regarding Act No. 37 of 2008, which is dated 16 June 2008 and regulates the High Committee for Human Rights and Fundamental Freedoms, can be used to gauge the extent to which that Act conforms to the Paris Principles.

241. The most important points/shortcomings highlighted in the opinion, when it came before the relevant parliamentary committee, were:

- The fact that the High Committee can accept petitions and complaints but has no powers to investigate; in fact, it merely sends them “on to a competent authority”;
- The Venice Commission drew attention to a lack of clarity in procedures and deadlines for examining or referring petitions and complaints. Moreover, the High Committee limits itself to submitting “reports to the President of the Republic” with the recommendation that they be made public for the sake of greater transparency;
- The Venice Commission was happy that visits under article 5 of the Act should, as a standard, be undertaken by specific Committee members selected on the basis of their relevant knowledge and expertise,³¹ and it praised the fact that the visits are conducted “without prior notice”;
- The provision whereby the President of the Republic assigns the head of the High Committee to carry out missions of inquiry and investigation into human rights and fundamental freedoms issues needs to be reviewed and replaced so that the High Committee can undertake those actions on its own initiative;
- The current composition of the High Committee – whereby its head and national figures are appointed by the President of the Republic while members come from civil society organizations and ministries at the proposal of the organizations/institutions to which they belong – requires greater transparency. This is to be achieved with candidates coming from various backgrounds and professions as a way of ensuring diversity and pluralism, with decisions on candidacies and voting to be taken by parliament;
- Members of the High Committee should be full-time, to ensure independence and avoid conflicts of interest;³²

³¹ Mention is made, in that regard, of specialists in psychology, health, child protection, etc.

³² See paragraph 54 of the Venice Commission opinion No. 724/2013 regarding Act No. 37 of 2008, dated 16 June 2008, which regulates the High Committee for Human Rights and Fundamental Freedoms.

- The Venice Commission commended the High Committee for establishing relations with NGOs and other human rights movements,³³ which directly reflects the guidance provided in the Paris Principles;³⁴
- The Higher Committee submits an annual report to the President of the Republic and an annual report on the situation of human rights and freedoms which is relayed to the public. The dissemination should be expanded to include relevant parts of government,³⁵ the Assembly of the Representatives of the People and the public at large.

242. At a practical level, it should be noted that this presentation will consider:

- Matters in which the High Committee has gone beyond the letter of the law in a positive sense;
- The most important obstacles to full compliance with the Paris Principles.

243. When it receives petitions or complaints, the High Committee communicates with the competent authorities, either through its own members who represent ministries or by correspondence. Members of the petitions and complaints unit meet periodically to consider cases and conduct guidance hearings with the parties concerned, or members of their families. If necessary, they also carry out field visits. Although it has no powers to investigate, the High Committee nonetheless follows cases closely in order to gain a comprehensive understanding of all the information and to reduce the violations that complaints may suffer.

244. As regards the composition of the High Committee and its methods of appointment, the current make-up of 40 members includes all currents, groups and trends as a way of ensuring pluralism and diversity while respecting equality.

245. Although ministerial representation on the High Committee is viewed as a positive factor (because, for some violations, it facilitates communication with the ministries concerned and expedites resolution) it can sometimes act as an impediment to decision-making. Moreover, the fact that the members of the High Committee – with the exception of its head – are not full-time can sometimes be problematic for periodic meetings and regular attendance.

246. The draft organic act on the establishment of the Human Rights Commission³⁶ as an independent constitutional body was prepared by the Ministry for Relations with Constitutional Bodies and Civil Society and for Human Rights in participation with members of the Assembly of the Representatives of the People and with representatives of ministries, regional administrations, constitutional bodies, independent national bodies, civil society and international organizations. The bill was brought before the Assembly of the Representatives of the People on 17 June 2016 as part of the establishment of a participatory democratic republican system in which the State guarantees supremacy of the law and respect for freedoms and human rights.

247. The draft act is in line with the provisions of the Constitution, in particular articles 125 and 128. It is also consistent with the Paris Principles regarding independence, representativeness, effectiveness and operation, such as to raise the status of the body from B to A according to the classification of the Global Alliance of National Human Rights Institutions.

³³ Article 11 of Act No. 37 of 2008, dated 16 June 2008, regulating the High Committee for Human Rights and Fundamental Freedoms.

³⁴ See paragraph 62 of the Venice Commission opinion No. 724/2013 regarding Act No. 37 of 2008, dated 16 June 2008, which regulates the High Committee for Human Rights and Fundamental Freedoms.

³⁵ The “relevant parts of government”, see Venice Commission opinion No. 724/2013 regarding Act No. 37 of 2008, dated 16 June 2008, which regulates the High Committee for Human Rights and Fundamental Freedoms in the Republic of Tunisia, adopted by the Venice Commission on 14–15 June 2013, paragraph 64, page 17.

³⁶ http://www.arp.tn/site/servlet/Fichier?code_obj=94329&code_exp=1&langue=1.

List of Annexes

Annex 1: Principal proposals and recommendations to emerge from regional consultations with civil society groups on the combined second and third periodic reports of Tunisia under the Convention on the Rights of Persons with Disabilities.

Annex 2: Civil society recommendations regarding the report of Tunisia on its implementation of the Convention on the Rights of Persons with Disabilities, which emerged from the national consultation held on 5 July 2018.

Annex 3: Minutes of a working session with civil society groups active in the field of the rights of persons with disabilities.

Annex 4: The national strategy to combat all forms of violence against women at every stage of life.

Annex 5: Multisectoral protocols for the care of female victims of violence.

Annex 6: Report on the rights of persons with disabilities.

Annex 7: Involvement of regional libraries in the provision of services for persons with disabilities.

Annex 8: Cultural events for groups with special needs in 2018.
