



## Economic and Social Council

Distr.: General  
30 June 2015  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

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### Committee on Economic, Social and Cultural Rights

## Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

### Third report of States parties due in 2000

### Tunisia\*, \*\*

[Received on: 1 June 2015]

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\* The present document is being issued without formal editing.

\*\* The full unedited version of the present report, including, exceptionally, its footnotes and annex file with the secretariat and is available for consultation. See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR).

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# Third periodic report of the Republic of Tunisia under the International Covenant on Economic, Social and Cultural Rights

## I. Introduction

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Republic of Tunisia hereby submits to the Committee its third report, in which it reviews the efforts, achievements and progress made by the country since the date of submission of its last report on this subject (May 1999). During the period between 1999 and 2014, the State consolidated its vision for economic, social and cultural rights. These rights, which were clearly a driving force behind the popular demands of the 2011 revolution, were used as the basis for the new social contract. The present report was prepared using a participatory approach which involved appointing a leadership committee comprised of representatives from each ministry and a number of other concerned institutions, with a reduced group forming the drafting committee. Consultations were also held with civil society organizations. The drafters of the report followed the guidelines and observations provided by the Committee on Economic, Social and Cultural Rights at the time of submission of Tunisia's last report.

### (a) General information

2. Tunisia is a free, independent, sovereign State; Islam is its religion, its language Arabic and its system republican. Tunisia is a civil State based on citizenship, the will of the people and the supremacy of law. It is located in North Africa between latitudes 30°14' and 37°13' north and between longitudes 37°7' and 11°36' east and has an area of 610,163 km<sup>2</sup>. Tunisia borders the Mediterranean Sea to the north and east, Libya to the south-east and Algeria to the west and its capital city is Tunis.

3. According to the most recent general population and housing census, conducted in 2014, Tunisia has a population of 10,932,000 and its demography is stable. Tunisia's rate of natural increase rose slightly between 2004 and 2001, from 1.08 per cent to 1.29 per cent. The age structure of the population has changed significantly; prior to 1994, Tunisia was defined as a young society, however children under 5 now account for only 8.2 per cent of the population, compared with 11 per cent in 1994. The number of inhabitants between the ages of 5 and 14 fell by 36 per cent during the same period. In contrast, the economically active population (between the ages of 15 and 59) grew from 56.9 per cent of the population in 1994 to 66.4 per cent at present. The proportion of the population over the age of 60 also increased, from 3.8 per cent in 1994 to 10.1 per cent in 2011.

4. Tunisia's population, like that of many advanced countries, has been gradually ageing, with rising numbers of elderly inhabitants and falling numbers of children. The proportion of adults aged 60 and above rose from 4.1 per cent of the population in 1956 to 8.3 per cent in 1994, then to around 11 per cent in 2014. Such demographic shifts are set to pose many challenges over the coming years, especially with respect to employment, education, social security and health.

### (b) Political and legal framework for the protection of human rights

5. As this periodic report was being prepared, Tunisia witnessed a major event in the form of a popular uprising known as the "revolution of freedom and dignity", which lasted

almost one month (17 December 2010 to 14 January 2011) and toppled the former regime. After the revolution, Tunisia entered into a transition phase which lasted three years, during which important constitutional, legislative and political reforms were carried out, notably to change the system of government and strengthen the legal framework for human rights by drafting a new Tunisian Constitution establishing a democratic society based on the rule of law and respect for universal values, above all freedom and dignity.

6. Since the Constitution entered into force on 27 January 2014, Tunisia has had a balanced system of government in which powers are divided between the President of the Republic and the Prime Minister, in contrast to the former system of government in which the President of the Republic held absolute authority. Tunisians now exercise legislative power through their representatives at the Assembly of the Representatives of the People, to which members are elected to 5-year terms by free and direct suffrage. An absolute majority of all members is required for the adoption of basic laws, and a majority of those present for the adoption of ordinary draft laws, provided that such a majority represents no less than one third of the members of the Assembly. The judiciary is independent from the executive and legislative power and ensures the administration of justice, the supremacy of the Constitution, the sovereignty of the law and the protection of rights and freedoms. Judges are nominated by presidential decree based on a concurrent proposal by the Supreme Judicial Council. Judges are independent and the law is the sole authority over them in discharging their functions. Judges enjoy criminal immunity and may not be prosecuted or arrested unless that immunity is lifted. Judges may not be transferred, dismissed or suspended from their functions, nor be subject to disciplinary sanction, except in the cases regulated by the law and in accordance with a reasoned decision by the Supreme Judicial Council.

7. With regard to the legal framework for human rights protection, based on its belief in human values and the highest principles of universal human rights and its commitment to international law, the Republic of Tunisia has adopted additional legal and institutional initiatives and measures designed to create and promote a culture of human rights. Those principles were taken into account in the drafting of the new Constitution.

8. The Tunisian Constitution guarantees internationally recognized human rights, in particular economic, social and cultural rights. To ensure the realization of those rights, the Tunisian legislature has provided assurances to protect them and promote their implementation in the form of the Constitutional Court, the Human Rights Commission, the Commission on Sustainable Development and the Rights of Future Generations, the Good Governance and Anti-Corruption Commission and the provisions of article 49 of the Constitution.

**(c) Effective achievements since 1999 with respect to each separate right**

9. Over the past decade, a series of reforms have been passed which have helped to improve living standards and conditions for individuals and families from all social strata, in all respects, thus enabling them to acquire the means for social advancement as part of an approach based on solidarity, equal opportunities, integration and overcoming exclusion and marginalization. The policies and programmes that have been adopted have led to an improvement in human development indicators; according to the 2014 Human Development Report, Tunisia's Human Development Index (HDI) value rose from 0.642 in 2000 to 0.721 in 2013, bringing Tunisia up to the rank of 41 out of 53 countries classified as having high levels of human development. Tunisia's world rank rose to 90 out of 187 countries in 2013, compared with 101 in 2000.

10. In the area of social solidarity, during the reporting period social security coverage was extended to include creative professionals, artists and persons on a limited income.

Effective cover was increased for social groups already covered by social security and the health insurance system was reformed, primarily through the creation of the National Health Insurance Fund.

11. To help protect the purchasing power of low-income employees, the minimum wage was increased. Additional support was provided to disadvantaged persons and those with no means of support or earning a low wage by making more families eligible for grants under the National Programme of Assistance to Needy Families. A number of improvements were also carried out to strengthen the system of protection, social inclusion and advancement of persons with disabilities. As a result of special programmes to support limited-income social segments, in addition to a policy of social spending and transfers worth 25 per cent of GDP and a series of social development programmes, the poverty rate has been reduced, incomes have risen, living conditions have improved and indicators relating to social facilities have increased.

12. In the field of education, the Tunisian Government has been endeavouring to train human resources through education and capacity-building tailored to the needs of the national and international labour markets and primarily based on the geographical distribution of educational establishments and organizational bodies at the various levels of the education system. An outline act on education and schoolteaching policy was passed in 2002 and work is ongoing to make education free and compulsory from age 6 to 16. A minimum of 4.7 per cent of GDP has been allocated to education, which is a sector where the principles of equal opportunity and justice have been fully embraced through the establishment of a network of inclusive schools attended by children with disabilities. Moreover, a special programme has been implemented to provide the necessary material conditions for disabled pupils by constructing and equipping multiple-function classrooms, adapting corridors and building appropriate sanitation facilities.

13. Throughout the reporting period, employment policy has been primarily driven towards stimulating growth, promoting investment, fostering innovation and self-employment and implementing a special programme of civil service recruitment. Incentives have also been introduced to promote recruitment in private sector establishments and encourage active participation in the labour market.

14. With regard to programmes and projects to support women, children and older persons, during the reporting period the proportion of women in the labour market increased and women gained a broader presence in public life, politics, decision-making roles and the education system. For example, school enrolment among girls increased to 99 per cent and the proportion of female students in higher education reached almost 60 per cent. Efforts are ongoing to support child protection and welfare by strengthening the children's rights system through the publication of the Code of Children's Rights, the adoption of a law banning sexual harassment against children and the improvement of health services for children. Tunisia's network of mobile teams providing health care and social services to older persons has been expanded, day centres have been created and a national plan has been launched on preparing for retirement and staying active in old age. Furthermore, a national register has been established to keep track of the skills of older persons and thus make the most of their expertise.

15. Between 1999 and 2014, Tunisia continued to promote the right to health, which in 1991 was classified as a fundamental right in both political and legislative terms. Over the past decade, many preventive medicine programmes have been successfully implemented. In addition to national programmes on maternal and infant health and combating communicable, non-communicable and chronic illnesses, and the national vaccinations programme, Tunisia has implemented programmes aimed at maintaining national health security by enhancing detection and surveillance of new and emerging diseases and boosting medical care at school and university and among population groups

that have specific health problems, for example older persons and young people. Efforts have also been made to improve curative medicine by extending essential health service coverage to all sectors of the population. This was done through maintaining existing structures and creating new ones, supplementing them with adequate equipment and human resources, providing essential medicines and making improvements in the field of emergency medicine, all of which has contributed to a rise in health indicators. In 2012, the Tunisian Government launched the Social Dialogue Programme on national health policy, strategy and planning, which brought together civil society and all other stakeholders in the health sector to take part in extensive consultations on various different topics. The programme culminated in the National Health Conference and resulted in a declaration on health, which will form the basis for 2015–2019 health policy. In 2012, the health budget was increased by 10 per cent and total health spending reached approximately 2.5 per cent of GDP, which is equivalent to 7.6 per cent of the State budget.

## **II. Responses to the concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report**

### **(a) On the independence of the national human rights institutions (see paragraph 8)**

16. Under Law No. 37 of 16 June 2008, the Tunisian legislature upgraded the Higher Committee on Human Rights and Fundamental Freedoms, a national human rights body, to a national institution with a legal personality and financial independence. As part of that upgrade, the Committee was authorized to intervene in any issue to support human rights and fundamental freedoms, participate in preparing draft reports for Tunisia's submission to United Nations human rights bodies and committees, monitor remarks issued by United Nations bodies, prepare and publish the annual national report on the state of human rights, and expand its own composition. It was also enshrined in the 2014 Constitution as an independent constitutional body under the title, "Human Rights Commission". The Ministry of Human Rights and Transitional Justice drew up a new draft law specifying the organizational structure and powers of the Committee, to guarantee its compliance with the Paris Principles and thus improve the effectiveness and efficiency of its work. The draft law will be submitted to the new Assembly of the Representatives of the People following approval by the Government.

### **(b) On ensuring that all men, women and children of both sexes enjoy the right to inherit on a basis of equality**

17. When Tunisia submitted its second periodic report under the Universal Periodic Review mechanism at the thirteenth session of the Human Rights Council's Working Group on the Universal Periodic Review in 2012, consideration of this recommendation was postponed because the issue was being debated at the national level. At that time, the Tunisian Government renewed its commitment to maintain the progress achieved for Tunisian women and further promote their rights. While the new Constitution guarantees equality of rights and duties between all citizens, the range of diverging views on all aspects of that subject currently make it difficult to make any headway towards national consensus.

**(c) On the independence of the judiciary as a fundamental instrument for the protection of economic, social and cultural rights (see paragraph 6)**

**(d) On trade union pluralism**

18. The revolution paved the way for a new form of representation for Tunisian workers. New centralized organizations and independent trade unions have been formed, each representing a group of Tunisian workers, who are able to express their opinions and carry out their activities in complete freedom and independence. The Tunisian General Labour Union (UGTT) is thus no longer the only trade union.

**(e) On monitoring the incidence of domestic violence (see article 3, point 3)**

19. To address this matter, a deputy public prosecutor has been appointed to each court of first instance to document cases of domestic violence.

**(f) Intensifying efforts to reduce economic and social disparities between regions**

20. To address development problems and regional imbalances, public funds have been allocated to boost infrastructure and increase provision of health and education services. A new methodology has also been adopted to ensure that public investment is distributed on the basis of objective, scientific criteria that take into account the poverty and unemployment rates, public services, infrastructure, population index, living standards and genuine requirements of each region. A regional development index has been compiled to allow development problems to be identified and examined more easily, so that public investment can be channelled towards the least developed regions. Integrated development programmes have also been launched, under which 90 projects have been initiated across all regions in the country. It should be noted that the National Solidarity Fund ceased to function after the revolution.

**(g) Unemployment and ratification of ILO Convention No. 158 (see article 6)**

21. Law No. 23 of 27 February 1989 abolished the penalty of hard labour and replaced it with a prison sentence of the same duration. Decree No. 115 of 2 November 2011 concerning freedom of the press, printing and publication states that the right to freedom of expression is guaranteed and must be practised in line with the terms of the International Covenant on Civil and Political Rights and other related international documents that Tunisia has ratified. Penalties of deprivation of liberty for press offences have been replaced with financial penalties.

**(h) On the recommendation on education (see article 13)**

22. Reducing regional disparities and ensuring equal opportunities in all regions is a key priority at all levels of education. With respect to the requirement to offer separate courses on human rights, school curricula at various educational levels include teaching

components on human rights instruments such as the Universal Declaration of Human Rights, the International Covenants, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as part of civic education classes. The subject of human rights is taught in humanities and languages and covered as part of teaching and learning methods from the perspective of law, literature, history and religion and other subjects, to ensure that pupils fully understand and actively adopt these rights.

**(i) Tunisian case law on the realization and protection of rights**

23. While we do not have access to case law from Tunisian courts at the current time, human rights are evidently applied, implemented and protected by the courts, specifically by the social security judge in the field of social security and health, through the labour chamber in the field of employment, and in other fields through the courts of first instance, courts of appeal and Court of Cassation.

### **III. Information on the implementation of each article of the Covenant**

#### **Article 1**

##### **Right of self-determination**

24. The third paragraph of the preamble of the Constitution is as follows: “Based on the elevated status of humankind and desirous of consolidating our cultural and civilizational affiliation to the Arab and Muslim nation, building on our national unity that is based on citizenship, fraternity, solidarity, and social justice, committed to strengthening Maghreb unity as a step towards achieving Arab unity, towards complementarity with the Muslim and African peoples, and towards cooperation with all the peoples of the world, desirous of supporting all victims of injustice, wherever they are, defending the peoples’ right to determine their own destiny, supporting all just liberation movements, at the forefront of which is the movement for the liberation of Palestine, and opposing all forms of colonization and of racism [...]”

25. The right of self-determination stems from the unwavering commitment of all humanity to the principles of dignity and equality. The Republic of Tunisia reiterates its commitment to human rights, strongly condemns all forms of discrimination and prohibits all forms of inequality within its territory, as stipulated in the 2014 Constitution.

26. On the basis of the national unity adopted by Tunisia when it gained independence, no legal or social distinction is made between different groups in society. All Tunisians are equal in terms of rights and duties and enjoy equality before the law without discrimination on any grounds such as language, sex, religion, culture, or political, cultural or regional affiliation, because the many different origins of the people of the Republic of Tunisia are a source of diversity and a mainstay of unity and this is one of the distinctive characteristics of the Tunisian people.



## **Article 2**

### **Steps taken to progressively achieve the full realization of rights without any form of discrimination, in particular through international assistance and cooperation**

27. Since its independence, Tunisia has strived to achieve comprehensive development through a number of policies and programmes. It has continued to pursue that approach, in particular since ratifying the International Covenant on Economic, Social and Cultural Rights on 18 March 1969, which required it to implement and provide adequate safeguards for those rights and achieve a high level of human development (see article 11). Accordingly, following the revolution the Constituent Assembly ensured that internationally recognized human rights, in particular economic, social and cultural rights, were enshrined in the Constitution. The inclusion of these rights in the Constitution is a major guarantee of their promotion and protection given that the provisions of the Constitution are the highest form of Tunisian legislation. On that basis, all laws and orders that precede or follow the Constitution must be compatible with its provisions, otherwise they shall be deemed unconstitutional and their implementation suspended.

28. These rights include the right to work, the right to just and favourable conditions of work, the right to form and join trade unions, the right to social security, including social insurance, the right of families, mothers, children and young persons to obtain special protection and assistance as far as possible, the right to an adequate standard of living, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to education, the right to take part in cultural life and the right to water. The Constitution also guarantees the right of access to information, which is an overarching, comprehensive right.

29. To ensure the active promotion of these constitutional rights, the law provides assurances for their protection and further implementation, specifically in the form of the Constitutional Court, the Human Rights Commission, the Commission on Sustainable Development and the Rights of Future Generations and the Good Governance and Anti-Corruption Commission.

30. The State has also engaged in international cooperation in order to actively promote these rights. In the field of agriculture, for example, the State has strived to implement a number of projects in partnership with various international donors to guarantee the right of all citizens to food and water. The same applies for all other rights in the fields of education, health, housing, employment and improving living conditions for the entire population, especially those who are marginalized and deprived, without distinction.

31. The Tunisian Government has provided staff training on its territory as part of cooperation efforts with developing countries, particularly those in the Arab world and Africa, in a diverse range of fields.

## **Article 3**

### **Ensuring the equal right of men and women to the enjoyment of all rights**

32. Tunisia has adopted a number of legislative measures to support women and promote their human rights as part of ongoing efforts to free them from all forms of direct and indirect discrimination. This has helped them to advance by comparison with women in a number of other countries.

33. Since the 1990s, Government has drawn up programmes in all sectors to ensure that women enjoy the same rights as men. Those programmes have been implemented through a number of structures and institutions, principally the Secretary of State for Women and Family, the National Council on Women, the Family and the Elderly, the Centre for Research, Study, Documentation and Information on Women (CREDIF) and the National Commission on Women and Development.

(i) **Information on national legislation and international agreements adopted on gender equality**

34. Tunisia has strived to ensure that its legislation concerning women is always accompanied by ongoing efforts to develop social values, abolish or amend legal provisions that are not in step with the spirit of the modern day and issue new legislation to keep pace with social transformations.

35. Tunisia's second Constitution firmly established this approach aimed at eliminating discrimination between the sexes. The preamble of the Constitution reaffirms the universal supremacy of human rights and article 2 states that, "All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination", and that, "the State guarantees freedoms and individual and collective rights to all citizens and provides all citizens the conditions for a dignified life".

36. Article 46, paragraph 1 of the Constitution underscores the State's commitment to protecting, strengthening and developing women's accrued rights. Article 46 stipulates that, "the State guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The State works to attain parity between women and men in elected assemblies". The Constitution reaffirms the State's role in eradicating violence against women, which constitutes one of the main forms of discrimination against them, stating in the final paragraph of article 46 that the State shall take all necessary measures to eradicate violence against women (see article 10).

37. The Tunisian legislature has strived to end all forms of discrimination against women in the field of employment. Article 40, paragraph 1 of the Constitution stipulates that, "Work is a right for every citizen, male and female. The State shall take the necessary measures to guarantee work on the basis of competence and fairness". The Labour Code also guarantees special protection for working women and equal protection for men and women.

38. The Tunisian legislature has amended a number of articles, including article 5 *bis* of the Labour Code, which stipulates that "no discrimination between men and women shall be made in the application of the provisions of this Code and the legislation adopted to implement it". Article 64 sets out special measures to guarantee women's rights in the postpartum and breastfeeding period, which can last up to nine months after giving birth. In addition, women have been prohibited from working at night in non-agricultural domains. As regards taking action to guarantee the well-being of workers, the Tunisian legislature has strived to achieve the highest possible degree of equality between men and women in the regulation of working conditions, in accordance with articles 75 and 76 of the Labour Code. Articles 77 and 78 of the Labour Code prohibit women from working in mines. To allow certain groups in society, particularly women, to better reconcile their family roles with their professional responsibilities, article 94 of the Code offers the option of signing part-time work contracts that guarantee those employees the same rights and duties as full-time employees. An optional scheme has been introduced allowing female employees to work half-time while being paid a two-thirds salary, thus enabling them to manage their family time as best as possible. Similarly, the general regulations on the conduct of State officials, local authorities and public administrative institutions contain special provisions to cater specifically to women's needs, such as special leave of absence under the

provisions of article 70, seasonal vacations under paragraphs 1 and 2 of article 48, and a system of early retirement (see article 7).

39. The Nationality Code has been amended to guarantee the principle of equality and non-discrimination. Law No. 55 of 1 December 2010 repealed all existing forms of discrimination between mothers and fathers in the transfer of Tunisian nationality to their children, stating in article 6 that, "The child born of a Tunisian father or a Tunisian mother is Tunisian".

40. With regard to family responsibility, the Personal Status Code states that the mother is automatically granted the right of guardianship (pursuant to Law No. 74 of 21 July 1993), which includes responsibility for the travel, education and financial affairs of the child. The mother may be fully attributed the function of guardian if the father proves unable to exercise or transgresses such prerogatives (for other legislation, see article 10).

41. Law No. 17 of 7 February 2000 repealed article 831 of the Code of Obligations and Contracts, which had previously required a contract signed by a woman to be validated by her husband, who was at liberty to terminate the completed contract without her consent.

42. With regard to international law, Tunisia has ratified all the international agreements on women's rights and applies the principle of equality in the full realization of all economic, social and cultural rights.

**(ii) Progress achieved in guaranteeing the principle of equality**

43. The State has adopted a series of laws and measures to approve mechanisms and plans to enable women to exercise their right to participate in all spheres of society. This progress is reflected in the following indicators:

- Presence of women in the judiciary: 763 of a total 1,951 judges and 110 out of 199 judicial attachés were women in 2014;
- Women in legislative power: the proportion of women in the Chamber of Deputies rose from 5.11 per cent in 1999 to 22.8 per cent in 2009, and in 2014 women held 29.95 per cent of the seats in the National Constituent Assembly and 31 per cent of the seats in the Assembly of the Representatives of the People (see annex 1);
- Presence of women in regional and local institutions: women held 32 per cent of the seats on regional councils in 2007 and 27.7 per cent of the seats on municipal councils in 2005;
- Presence of women in civil service posts: 23.6 per cent of civil service posts were occupied by women in 2007.

**(iii) Gender-based assessment and its effect on legislation and policy aimed at overcoming cultural and traditional stereotypes**

44. In 2008, Tunisia initiated the National Strategy on Mainstreaming the Gender Perspective into Public Policy, Planning and Programming with a view to assessing the current situation. However, no progress has been made in that regard.

45. As part of efforts to eradicate stereotypes and perceptions of female inferiority and act upon the recommendations issued by the United Nations Fourth World Conference on Women in Beijing in 1995, which called for the establishment of a mechanism to monitor the portrayal of women in the media, CREDIF conducted a scientific study in 1999 to identify how women were typically portrayed in the Tunisian media. The results and recommendations of that study were reported to the concerned authorities responsible for addressing this negative phenomenon. In 2013, the Arab Working Group for Media Monitoring, the Coalition for Women of Tunisia and the National Council for Fundamental

Freedoms in Tunisia (CNLT) also conducted a study on the portrayal of women in the Tunisian media.

46. It should be noted that while there is no specific policy on assistance for women with disabilities, men and women with disabilities receive equal concessions.

47. Since Tunisia's independence, its legislature has adopted various measures to promote the human rights of women and maintain progress already achieved, particularly with regard to the Personal Status Code and Penal Code, into which new principles have been incorporated to reaffirm the right to privacy. Work has been done in line with the provisions of the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women. The Ministry for Women has initiated a number of projects and programmes aimed at promoting gender equality in public life, particularly within the context of Tunisia's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, under Law No. 35 of 9 June 2008.

48. In 2007, with support from the United Nations Population Fund, a national strategy to combat violence against women of all ages was adopted as part of a participatory approach involving all concerned government departments, organizations and groups. The aim of the strategy was to tackle various forms of gender-based violence, raise awareness about its dangers and protect society from its negative consequences, primarily for women, but also for families and society at large. Implementation of the strategy is based on the following four action areas: collecting and exploiting data; ensuring provision of a broad range of appropriate services; raising awareness among society to bring about change in attitudes and institutional policy; and advocating for law enforcement.

49. Since very few data and statistics were available to contribute to the first component of the strategy, in 2010 the National Office for Family and the Population (ONFP) conducted the first ever national survey on violence against women, using a sample of 3,873 female respondents aged between 18 and 64.

50. The results of the survey highlighted the fact that 47.6 per cent of women stated that they had been subjected to at least one form of violence during their lifetime. Women in rural areas were more likely than their urban counterparts to have been subjected to violence in all its forms, with 48.7 per cent having been affected. In other words, approximately half of all Tunisian women experience at least one form of violence in their lifetime. This figure does not differ significantly from global averages, according to which an estimated one in three women is subjected to violence during her lifetime. The same study showed that women in the south-west of Tunisia were the most likely to experience violence, at an estimated 72.2 per cent, followed by those in the south-east at 54.7 per cent. In terms of educational level, the better educated a woman is, the lower her risk of being subjected to violence. Women who do not work are also at a higher risk of violence than others. As regards the type of violence experienced by Tunisian women, the survey found that the most common form of violence was physical violence, which featured in 31.7 per cent of cases, followed by psychological violence at 28.9 per cent, sexual violence at 15.7 per cent, and lastly economic violence at 7.1 per cent. In the same context, rural women faced a higher risk of physical and sexual violence (32.8 and 16.5 per cent respectively) than women in urban areas (31.2 and 15.3 per cent respectively). In contrast, women in cities were more likely to experience psychological and economic violence (29.5 and 7.8 per cent respectively) than those in rural areas (27.7 and 5.8 per cent respectively). Again, it was found that women in the south-west of the country were most at risk of all forms of violence (physical: 48 per cent; psychological: 52.2 per cent; sexual: 26.2 per cent; and economic: 10.5 per cent). Educational level remains a factor that can lower women's risk of experiencing violence, and being employed but not educated is a factor that influences the type of violence that women are more likely to experience: women who work are more at

risk of psychological and economic abuse (32.4 per cent and 10.1 per cent respectively) than those who do not work, who are more likely to experience physical and sexual violence, with rates of 33.5 and 16.6 per cent respectively. The survey showed that women were more likely to experience violence in the domestic sphere than in any other, and that the most common perpetrator of violence was a woman's partner. This finding applied to all forms of violence, to varying extents: women were subjected to violence by their partner in 47.2 per cent of cases of physical violence, 68.5 per cent of cases of psychological violence, 77.9 per cent of cases of economic violence and 78.2 per cent of cases of sexual violence.

51. Women's other family members were responsible for 43 per cent of cases of physical violence, 22.1 per cent of cases of economic abuse, 16.7 per cent of cases of psychological violence and 0.6 per cent of cases of sexual violence.

52. Nevertheless, faced with those shocking statistics, women's reactions to suffering violence varied: while 56.4 per cent considered that the violence committed against them had affected their daily lives, 55 per cent considered that violence was normal and did not need to be addressed.

53. Despite the efforts of Government institutions and civil society groups involved in combating violence against women, services available to women victims of violence remain scarce; stronger support and political will is needed to alter current legislation and social norms that excuse any form of violence within the family and society.

54. The Ministry for Women is currently cooperating with concerned government civil society stakeholders, with support from United Nations agencies, to establish an outline act criminalizing all forms of violence against women.

## Articles 4 and 5

<i>Agreement or treaty</i>	<i>Ratification law</i>	<i>Reservations or restrictions</i>
<i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i>	Law No. 79 of 11 July 1988	
<i>International Covenant on Civil and Political Rights</i>	Law No. 30 of 29 November 1968	
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	Decree No. 2 of 19 February 2011 and Order No. 550 of 14 May 2011	
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	Law No. 68 of 12 July 1985	The Tunisian State withdrew its reservations under Decree No. 103 of 24 October 2011, while maintaining the general declaration. It completed the measures to withdraw the reservations on 18 April 2014.
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Law No. 70 of November 1966	
<i>International Covenant on Economic, Social and Cultural Rights</i>	Law No. 30 of 29 November 1968	
<i>Convention on the Rights of Persons with Disabilities</i>	Law No. 4 of 11 February 2008 and Order No. 568 of 4 March 2008	
<i>Convention on the Rights of the Child</i>	Law No. 92 of 29 November 1991	

## Article 6

### The right to work and measures and programmes adopted to reduce unemployment

55. Article 40 of the Constitution states that, “Work is a right for every citizen, male and female. The State shall take the necessary measures to guarantee work on the basis of competence and fairness”, and the general regulations on the conduct of State officials, local authorities and public administrative institutions reaffirm the principle of non-discrimination on the basis of sex, ethnicity, skin colour or belief in the application of its provisions. With respect to the prohibition of gender-based discrimination, article 5 *bis* of the Labour Code, as amended by Law No. 66 of 5 July 1993, stipulates that, “no discrimination between men and women shall be made in the application of the provisions of this Code and the legislation adopted to implement it”. Rising unemployment at the end of 2010 was one of the main catalysts of the Tunisian revolution, particularly in view of the link between unemployment and the widespread poverty and marginalization affecting the interior areas of the country and working-class urban areas on the outskirts of large cities.

#### (i) Main unemployment reduction programmes between 1999 and 2014

56. Tunisia has adopted employment stimulus programmes (see table No. 1 on employment stimulation programmes), which are financed by the National Employment Fund and designed to provide unemployed people with additional training to boost their employability, in addition to encouraging the private sector to help promote professional insertion by offering internships and vocational training courses (see table No. 2 on beneficiaries of the Graduate Internship Scheme (SIVP) by area).

57. As part of the Government’s plan to review and reform employment mechanisms and programmes and create a sectoral policy on employment, an employability-boosting mechanism has been launched to provide job seekers with training tailored to fit the specific needs of the job market. Work has also commenced to implement an employment promotion programme which involves encouraging businesses with high added value to recruit higher education graduates on employment contracts, of which at least 70 per cent should result in full-time employment, and phasing out the Graduate Internship Scheme (SIVP). Those measures are designed to help shift Tunisia’s development towards investment in projects with high added value.

58. To stimulate investment and small and medium enterprise creation, various measures have been introduced to promote private entrepreneurship by providing training and assistance prior to and following the creation of new business projects (see table No. 3 on promoting small enterprises; and table No. 4 on supporting small business entrepreneurs).

59. The creation of the Tunisian Solidarity Bank and the Bank of Financing Small and Medium Enterprises (BFPME) has boosted funding mechanisms for small and medium enterprise creation.

60. The Ministry of Vocational Training and Employment has encouraged small enterprise creation through the establishment of social and solidarity institutions to support collaborative initiatives by young entrepreneurs, in particular graduates of higher education and vocational training programmes. Implementation has started of a number of pilot projects, which will later be evaluated, modified and implemented on a broader scale.

61. In 2012, a national employment strategy was drawn up with the participation of stakeholders from all social structures and institutions, and representatives of civil society. This strategy is being discussed and revised by the Sub-Committee on Employment and

Vocational Training Policy, which was created by the Ministry of Vocational Training and Employment as part of efforts to implement the main pillars of the social contract.

62. Tunisia has continued to pursue the principle of free choice of employment and protection against all forms of forced labour. It has taken steps to guarantee equal employment opportunities and eliminate all forms of discrimination by publishing job vacancies to all applicants and adopting standard ability criteria.

63. In spite of all the efforts made, the number of women entrepreneurs and business owners in Tunisia remains low: according to the country's Human Development Report, women owners of small and medium enterprises represent only 6.5 per cent of the female workforce, much lower than the proportion of male business owners, who make up 20.6 per cent of the male workforce. To address this issue, an action plan was launched in 2012 to prevent the feminization of poverty, help rural women to develop the necessary technical skills to set up and manage small agricultural businesses, promote female entrepreneurship and the inclusion of women in the economic cycle and provide funding for small-scale projects that tie in with regional characteristics.

64. To increase women's participation in the labour market, a framework agreement was signed in 2014 between the Ministry of Vocational Training and Employment and the Secretary of State for Women and Family to promote private entrepreneurship among women by encouraging them to establish new types of businesses in the cooperative social economy that cater to local needs.

65. The provisions of Outline Act No. 83 of 15 August 2005 on the advancement of persons with disabilities enshrine the right of persons with disabilities to obtain employment or join the civil service without exclusion or discrimination on the basis of their disability.

66. Tunisia, which recognizes the right to work of persons with disabilities, passed a law in 2012 according to which persons with disabilities must be given priority consideration for no less than 1 per cent of public sector positions. Approximately 850 persons with disabilities have been employed under this law, which is being implemented on a national scale under the supervision of the Ministry of Social Affairs. Article 30 of the law states that no less than 1 per cent of posts in companies that employ 100 or more individuals must be reserved for persons with disabilities. The rate of employment of persons with disabilities is 90 per cent of the target in the case of the private sector and 98 per cent for the public sector.

67. For the first time, Tunisian law has provided for alternative forms of employment when direct employment is not possible. Private sector companies have been offered incentives to encourage them to recruit persons with disabilities.

68. The Labour Code imposes financial penalties for failure to comply with the obligation to employ persons with disabilities. The penalty is doubled for repeat offences.

69. When a worker acquires a disability as a result of an accident in the workplace, the employer has an obligation to leave that person in their original post or move them to another vacant post suited to their qualifications and the nature of the disability. Persons completely unable to continue working enter retirement in accordance with the provisions in force.

70. In 2004, Tunisia cooperated with disability-related associations to introduce a special programme for the employment of persons with disabilities. Awareness-raising convoys were organized to disseminate information about the skills of persons with disabilities and securing work contracts, private funding and prostheses in order to facilitate travel to the workplace.

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

72. A programme has also been introduced to make persons with disabilities more employable. The programme, which will be implemented by associations working in the field of disabilities, will enable persons with disabilities to access vocational training suited to their skills and regional market needs. A quota of 3 per cent of places at the vocational training centres is reserved for persons with disabilities. Persons unable to enrol in the regular manner may access training at specialized institutions and educational centres. In view of the importance of private projects in ensuring the independence of persons with disabilities, Tunisia has put in place numerous mechanisms to fund small-scale projects, including a national programme to promote resources for indigent persons with disabilities who are able to work. Some 700 such projects receive funding each year (see table 5 on revenue-generating programme for persons with disabilities who are able to work).

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

**(ii) Reinsertion of redundant workers**

74. Tunisia has adopted a series of preventive and compensatory programmes to strengthen the support offered to workers who have been made redundant. Redundant workers also receive social protection in the form of stipends and health coverage for one year following the date of redundancy (see table 6 on beneficiaries of the “reinsertion into working life” programme).

75. Tunisian law grants employees who have had their contracts terminated on economic grounds the right to be re-employed on conditions of pay that match those prior to their dismissal, in line with legal procedures, to ensure that companies employ workers at their correct professional level. This right applies for one year starting from the date of dismissal.

76. As a means of preventing redundancy for employees who are at risk of dismissal on economic grounds, Tunisia has introduced a programme of continuing professional development to help employees improve their professional skills and provide high-quality services to ensure the sustainability of economic institutions.

**(iii) The impact on workers employed in the parallel market and social security provisions for those workers**

77. While the parallel market and smuggling are economic and social phenomena that emerged at the beginning of the 1980s, they have become a more serious and widespread problem in recent years, particularly during the period of national and regional transition. The parallel economy has negative effects on the exercise of economic and social rights, for example by causing harm to livestock, threatening consumer health and safety and encouraging early school dropout. This issue was discussed in May 2014 as part of a process of national economic dialogue. In response, the State has approved a plan to combat smuggling and contain the parallel market.

78. An action plan has also been launched to send labour inspectors to run awareness campaigns across the country so as to help small traders and other informal workers to make the transition into the formal economy by encouraging them to join a social security scheme. As part of the comprehensive approach towards achieving social justice and extending social security coverage, new reforms to the social protection system will ensure



that every citizen, including those who work in the informal sector, receives social welfare and appropriate health coverage.

**(iv) Legal safeguards against arbitrary dismissal**

79. A number of legal safeguards have been included in the Labour Code, in particular through the 1994 and 1996 amendments. For example, article 14 now lists a number of serious offences that merit dismissal and article 21 sets out the procedures for dismissal on economic and technical grounds. Article 267 was amended in 2007 to include trade union representatives; since that time, the number of dismissals has decreased significantly. Legal protection was introduced for employees who have been subjected to arbitrary dismissal, in the form of financial compensation paid by the employer to the employee for damages. The level of compensation is dependent on the nature of the employment contract.

## **Article 7**

### **The right to just and favourable conditions of work**

**(i) The national minimum wage**

80. Article 134 of the Labour Code states that “parties to an employment contract may not agree to a wage lower than the specified minimum wage”. A distinction is made between the minimum wage for agricultural work and the guaranteed general minimum wage for various other professions.

81. These minimum wages are determined by an order issued by the Prime Minister following consultations with the most representative employers’ and workers’ organizations, ensuring that rates of inflation, GDP growth and performance are taken into account to maintain the purchasing power of the workers to whom the minimum wage applies.

82. The guaranteed minimum wage for agricultural work is based on a nine-hour working day. The guaranteed minimum wage for other professions is set on the basis of a monthly salary (see table 1 on evolution of the guaranteed minimum wage).

83. In line with the Government’s decision in late March 2014 to raise the guaranteed minimum wage in the fields of agriculture and industry, employees entitled to the general minimum wage will receive a monthly salary of 348,096 dinars for a 48-hour working week and 302,751 dinars for a 40-hour working week.

84. The guaranteed minimum wage for agricultural work has been raised from 11,608 to 12,304 dinars per day. Approximately 280,000 workers are expected to benefit from this increase. Pension allowances under the general National Social Security Fund system are raised in proportion to increases in the minimum wage. As of 1 May 2014, approximately 613,000 pensioners and allowance beneficiaries were benefiting from these measures.

85. To address the issue of precarious employment contracts, a programme known as “Mechanism 16” has been introduced to provide persons in direct employment with a regularized employment contract within a period of five years, or within one year for higher education graduates. A total of 21,387 people have been regularized under this programme, including 1,972 higher education graduates and 19,415 non-graduates.

**(ii) Guaranteeing conditions of work for all employees**

86. Tunisia joined the International Labour Organization in 1956 and has ratified 61 international labour conventions to date, including the eight core conventions on fundamental rights at work.

87. Tunisia has also signed two of the Governance conventions of the International Labour Office and ILO Conventions No. 142 on the role of vocational guidance and training in the development of human resources and No. 159 on vocational rehabilitation and employment of persons with disabilities.

**(iii) Overtime**

88. Overtime is paid at the basic hourly rate plus the following premiums: 75 per cent in the case of a regular full-time working week of 48 hours; 25 per cent for the first 48 hours and 50 per cent thereafter in the case of a full-time working week of under 48 hours; and 50 per cent for part-time work. For agricultural work, hours in addition to the standard working day are paid at a premium of 25 per cent.

**(iv) Paid leave**

89. Paid holiday is governed by articles 112 to 133 of the Labour Code, which stipulate that every employee is entitled to a period of annual leave paid in full by the employer. Leave is calculated at the rate of one day of leave per month of work performed, up to a maximum of 15 days. Employees under the age of 18 are entitled to two days of leave per month, up to a maximum of 30 days. Employees between the ages of 17 and 21 are entitled to one and a half days of leave per month worked, up to a maximum of 12 days. In the case of religious festivals and national holidays, article 107 of the Labour Code stipulates that official holidays on full pay must be specified by a government order or joint agreement. Accordingly, Tunisian national holidays are listed under article 20 of the Joint Framework Agreement. Companies must not cease operating for any longer than 48 consecutive hours as a consequence of such holidays. In the public sector, paid holidays are governed by the general regulations on the conduct of State officials, local authorities and public administrative institutions, which stipulate that public officials are entitled to one rest day per week and one month off for every year worked.

**(v) Achieving a balance between work and family life**

90. Tunisian legislation on the protection of motherhood is aimed at striking a balance between professional and family life. Both the Labour Code and the joint agreement contain guarantees of protection for working mothers. Article 64 of the Code stipulates that women must be granted 30 days of maternity leave, which can be extended each time to 15 days on presentation of a medical certificate. Working mothers are also entitled to take two half-hour breastfeeding breaks during the working day for a period of nine months.

91. A number of sectoral joint agreements have granted working mothers longer maternity leave than that stipulated in article 64 of the Code. Throughout their maternity leave, women receive a maternity grant in accordance with the legislation in force (for information on the optional two-thirds salary system in the public sector, see article 3).

**(vi) Gender equality**

92. Tunisia has ratified all international agreements concerning gender equality, including ILO Convention No. 100 on equal pay for work of equal value.

93. Gender equality in the field of labour is enshrined in article 5 *bis* of the Labour Code, which establishes the principle of non-discrimination between men and women in the application of the provisions of the Code and applies to all aspects of labour, including recruitment, wages, conditions of work and termination of work contracts. Article 11 of the Joint Framework Agreement also includes provisions on gender equality in employment opportunities, rank and salary.

94. During inspection visits to companies in the private sector, labour inspectors verify the professional rank of each employee at the company and compare the wages and bonuses paid to women and men in relation to their seniority, to ensure that no discrimination is made between men and women within the company. When discrepancies or breaches of labour law are identified, the inspector prepares a report and submits it to the tribunal responsible for investigating violations of workers' rights, because failure to pay a male or female employee the legally approved wage constitutes a criminal offence punishable by law (see table No. 2 on inspection and monitoring visits by labour inspection officials).

95. In the public sector, equal pay for men and women is guaranteed by the general regulations on the conduct of State officials, local authorities and public administrative institutions. Article 13 of the regulations enshrines employees' right to receive a salary following completion of work, in addition to a number of other benefits that are not gender-specific in any way. Salaries are based on seniority, educational level, competency, skills, quality and cost effectiveness.

**(vii) Criminalization of sexual harassment in the workplace**

96. Article 226 *bis* of the Penal Code stipulates that "any person who publicly affronts moral values or public decency through their actions or words, or intentionally offends others in a morally reprehensible manner shall be punishable by six months of imprisonment and a fine of 1,000 dinars", thus criminalizing all acts of sexual harassment against any person, both in and outside the workplace. Under Tunisian legislation, anyone who has been subjected to sexual harassment against their person may claim compensation for the damages caused (see table No. 3 on the number of cases of sexual harassment).

**(viii) Safe and secure conditions at the workplace**

97. Article 40 of the Constitution states that "All citizens, male and female, shall have the right to decent working conditions and to a fair wage".

98. Occupational safety and health are governed by articles 289 to 334 of the Labour Code, which establish an occupational medical inspectorate and contain special measures relating to hazardous, unhealthy or uncomfortable places of work. A number of regulatory texts have been issued on ensuring safe and secure conditions at the workplace.

99. A national programme on management of occupational hazards has been established, covering three main areas: increasing occupational health coverage among the workforce; improving occupational health services and safety within establishments; and reducing the number of accidents at work, especially the number of fatal and serious accidents (see annex 3 table on information on occupational accidents and diseases).

100. Under the programme, a number of contracts were signed between 2009 and 2011 to provide medical and technical equipment to occupational health clinics, help them to establish permanent medical units in certain industrial areas, provide training to medical and technical staff, and run awareness-raising and publicity activities for the benefit of all concerned parties.

101. A series of medical and technical manuals have been compiled for the benefit of medical and technical staff at occupational health clinics and offices, to help improve services in the field of occupational safety and health.

102. Order No. 2344 of 12 August 2009 relaxed the conditions for the obtention of loans and grants from the National Health Insurance Fund to finance occupational safety and health projects, thus allowing establishments with fewer than 10 employees to gain access to funding more easily.

## Article 8

### Trade union rights

#### (i) Conditions for forming trade unions

103. Tunisia ratified ILO Convention No. 87 on freedom of association and protection of the right to organise, ILO Convention No. 98 on the right to organise and collective bargaining and ILO Convention No. 135 on workers' representatives. Trade union rights have been strengthened more recently with the ratification of ILO Conventions No. 144 on tripartite consultation in the field of international labour standards, No. 151 on labour relations in the public service and No. 154 on the promotion of collective bargaining.

104. Trade unions may be formed and joined subject to the terms of the Labour Code, in particular articles 242 to 257, without prior permission from the public authorities. The only condition required by Tunisian legislation is to inform the public authorities of the formation of a union. In order to conduct their activities, workers' and employers' organizations are only required to submit their general statute and a list of their administrative officials to the office of the governorate or *délégation* (sub-district of a governorate) where their organization's headquarters are situated.

105. Trade union rights are recognized for most categories of workers, including civil servants according to the provisions of article 4 of Law No. 112 of 12 December 1983 relating to the general regulations on the conduct of State officials, local authorities and public administrative institutions.

106. With regard to legal restrictions on trade union activities, the national army is the only institution whose members do not have the right to conduct trade union activities, pursuant to article 36 of the Constitution. All unions are bound by the provisions of the Constitution and national legislation and the principles of financial transparency and non-violence.

107. Following the 14 January revolution, the trade union landscape changed as new central trade union organizations and sub-groups were formed, in addition to independent unions representing specific professions and sectors.

#### (ii) Collective bargaining mechanisms

108. The Labour Code does not contain provisions on collective bargaining at the company, sectoral and national level. Collective bargaining is still organized subject to the consent of the social partners.

109. On 14 January 2013, the Government, the Tunisian General Labour Union (UGTT) and the Tunisian Union for Industry, Trade and Handicrafts (UTICA) signed the social contract, also known as the "social constitution", and the committees charged with implementing the main pillars of the contract commenced their work.

110. It was agreed that social dialogue should be initiated, which led to the creation of a National Council for Social Dialogue. The Council, which is principally responsible for gauging the overall atmosphere of social dialogue and monitoring adherence to social legislation, is authorized to deal with all economic and social matters related to labour and labour relations and submit proposals to the concerned parties.

#### (iii) The right to strike

111. Article 36 of the Constitution guarantees the right to strike and stipulates that this right does not apply to the national army, the internal security forces or customs officers. Articles 376 to 390 of the Labour Code set out the conditions and procedures for

commencing a strike or ceasing work in a lawful manner. The right to strike must be exercised under certain conditions. The subject of the collective labour dispute must be declared before being submitted to the mediation structures of the institution concerned with a view to finding a mutually satisfactory solution for both parties to the dispute. Notice must be served to the employers and the labour inspectorate 10 days in advance of the strike by means of a letter sent by guaranteed and recorded delivery, informing of the exact location, date, duration and reason of the strike. To guarantee its legitimacy, the decision to strike must also be approved by the central trade union organization. This condition means that spontaneous strikes outside the context of trade unions are prohibited. Lastly, reconciliation attempts must be made to settle the dispute between the two parties (see annex article 8).

## **Article 9**

### **The right to social security**

#### **(i) Social security schemes**

112. Article 38 of the 2014 Constitution stipulates that the State, “shall guarantee the right to social assistance in accordance with the law”.

113. The Tunisian social security sector includes the National Pension and Social Contingency Fund, the National Social Security Fund and the National Health Insurance Fund.

114. Social security schemes in Tunisia offer family allowances, cash allowances in case of sickness, maternity or death, health coverage, old-age pensions, disability allowance, survivors’ allowance, death benefit and compensation for damages resulting from occupational accidents and diseases (see table No. 1 on variation in the number of economically active and inactive persons).

115. Tunisia’s current policy has enhanced the social security system and achieved significant results, with the effective rate of social protection reaching 84 per cent in 2013 (see table No. 2 on variation in rates of coverage in the public and private sectors). Social security coverage has been extended to include all economically active groups by creating new social protection schemes, including most recently a system for those on a limited income and a special system for artistic, creative and intellectual professionals (see table No. 3 on variation in the number of economically active and inactive persons: artistic, creative and intellectual activities social protection system).

116. To make social protection available to all social and occupational groups, a number of private sector social security schemes have been introduced in addition to the social security scheme for public officials (such as those working in the civil service and public institutions). The new schemes cover non-agricultural and agricultural workers, marine fishers, unwaged workers in the agricultural and non-agricultural sectors, domestic workers, young fishers and farmers, artistic, creative and intellectual professionals, students, higher education graduates and former employees who have been dismissed on economic or technical grounds.

117. A number of specific mechanisms have also been established to provide social protection to the Tunisian diaspora abroad, including bilateral social security agreements signed with 15 countries.

118. A number of decisions and measures have been adopted with a view to achieving universal social security coverage for all economically active groups and all levels of society, as well as optimizing social security benefits and making them more accessible, while maintaining the financial equilibrium of social security funds to ensure the needs of

present and future generations are met. Those measures include automatically increasing pension allowances in proportion to every increase in the minimum wage for both non-agricultural and agricultural workers (2002); guaranteeing equal rights for beneficiaries of the various legal schemes for retirement, incapacity and life insurance (2003), adjusting the methods and procedures governing social security conditions for special leave of absence; enabling civil servants to take leave to start a business while continuing to benefit from social security (2003); establishing the function of the social security judge (2003); creating a health insurance system for both the public and private sectors (2004); establishing a National Health Insurance Fund and National Health Insurance Council (2005); introducing the option of deferred social security contributions for graduate entrepreneurs (2004); extending State-funded social security contributions by an extra five years for projects based in priority areas of regional development (2005); and extending State-funded social security contributions by an extra seven years for new appointments of higher education graduates (2005).

**(a) Social protection for persons with disabilities**

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

120. Under Outline Act No. 83 of 15 August 2005, persons with disabilities enjoy free treatment, medicine, training at public facilities, and provision of prostheses. The State assumes the costs of those services for indigent persons with disabilities, and social funds do so for members and their guardians.

**(b) Social protection for orphans**

**Pensions for orphans of deceased beneficiaries of the National Social Security Fund (private sector)**

121. Orphans' pensions are paid to the children of deceased waged and unwaged social security beneficiaries who were in receipt of disability benefit or retirement pension prior to their death. These pensions are paid up to the age of 16 without conditions, up the age of 21 with proof of enrolment in secondary, vocational or university education, and up to the age of 25 for orphan students not in receipt of higher education grants. Orphans with disabilities or permanent physical impairments are paid the allowance with no upper age limit, and the same applies to women and girls who are proven to have no source of income or who received no financial support from their husband at the time of death of the beneficiary of retirement pension or disability benefit.

**Pensions for orphans of deceased beneficiaries of the National Fund for Pensions and Social Security (CNRPS) (public sector)**

*Temporary orphans' pensions*

122. Article 45 of Act No. 85-12 of 5 March 1985 stipulates that, "Up to the age of 21, orphans shall receive an allowance equal to 10 per cent of the retirement pension that the deceased person previously received or was entitled to receive at the time of death. If there are five or more orphans, the surviving spouse shall receive 50 per cent of the retirement pension and the remaining 50 per cent shall be distributed equally between the orphans".

*Life insurance payments to orphans*

123. Life insurance grants are paid to all orphans under the age of 16 in foster care and all orphans aged 16 to 18 who are enrolled in vocational training in private establishments in preparation for entry into the labour market. No age limit applies to orphans with disabilities who are over the age of 20 and unemployed, provided that approval is given by the Reform Committee within the CNRPS.

124. As part of efforts to enhance the performance of the social security sector, improve the living standards of individuals and families, maintain social stability and implement the social contract, Tunisia's social security systems are being overhauled with a view to carrying out reforms while preserving basic minimum standards in line with the redistributive system and maintaining financial equilibrium.

**(ii) Retirement grant**

125. The retirement grant is a lump sum payment to social security beneficiaries who have reached the legal age of retirement, with no requirement to prove the required 40 quarters' worth of contributions.

**(iii) Social security benefits**

126. The National Programme of Assistance to Needy Families is an essential component of the non-contributory social protection system and the main mechanism used to redistribute wealth, guarantee social justice and equal opportunities for poor and marginalized groups and overcome poverty and disparities. It acts as an essential safety net which offers protection from life's risks, prevents losses and enables families to preserve the earnings of economically active family members and become more independent. The Programme provides families living below the poverty threshold with direct financial assistance and free treatment at public health centres.

**(iv) Supplementary social security programmes**

127. Supplementary programmes include financial assistance to support poor families on religious holidays and ad hoc assistance programmes to help beneficiaries to meet their basic family needs in emergency situations.

**(v) Equal enjoyment of pension rights between men and women**

128. Men and women in Tunisia enjoy pension rights on an equal basis and under the same conditions and procedures. Women have the option of taking early retirement at the age of 50 if they work in a waged job in the non-agricultural sector and have three living children at the time they give up paid work.

**Article 10****Protection and assistance for the family and special protection for mothers and children****(i) Family and marriage in Tunisian law**

129. Article 7 of the 2014 Constitution states that, "The family is the nucleus of society and the State shall protect it".

130. Under Tunisian legislation, men and women have equal family rights. Article 3 of the Personal Status Code stipulates that marriage can be constituted only with the consent of both spouses and article 9 states that marriage must be concluded by the husband and

wife themselves or by their delegated agents. Law No. 32 of 14 May 2007 sets the minimum age for marriage at 18 full years for both sexes. Under Law No. 94 of 9 November 1998, the spouses are free to opt into the community property regime, which is designed to ensure that the spouses have joint ownership of any property of group of properties intended for the family's use. To provide additional support for families, the Secretary of State for Women and Family is currently working on a project to set up family direction and guidance centres. One such centre has been established as a pilot initiative, pending upscaling of the project to the rest of the country.

**(ii) Improving legislation and social services to support families**

**(a) Child welfare**

131. Article 47 of the Constitution states that, "Children are guaranteed the rights to dignity, health, care and education from their parents and the State. The State must provide all types of protection to all children without discrimination and in accordance with their best interest". The Code of Children's Rights, issued in 1995, contains requirements to respect the rights of children and promote their involvement in all spheres of community and family life, thus representing significant progress in this field. The legal system is deficient, as demonstrated by rising rates of child delinquency. In response, as part of efforts to provide children with the necessary assistance, a number of programmes and mechanisms have been put in place to protect children and young people, particularly those living in difficult circumstances, from all forms of exclusion and marginalization and all forms of exploitation, particularly labour and employment in unsuitable and unlawful conditions that constitute a threat to their psychological and physical well-being (see table No. 1 on care centres for children without family support).

132. Children in the most precarious social groups are exposed to medical, physical, material and educational risks, as described in article 20 of the Code of Children's Rights.

133. Social advancement institutions coordinate with the various stakeholders to assess situations and identify the support and assistance required to overcome difficulties, provide assistance on the ground, direct children towards the relevant specialist institutions and structures and provide aftercare for children who have left social welfare institutions.

134. In order to protect children and young people at risk of any form of exploitation, the institutional network has been strengthened with the creation of care centres offering basic welfare services and social, psychological and medical care. The centres offer accommodation help, provide support in the field of education, rehabilitation and insertion, and run specific programmes tailored to the needs of each individual assigned to their care, in particular children and young people, to help them reintegrate into family, school and working life. The centres also work with the relevant legal, social, administrative and medical services and provide aftercare services. The organizational framework is currently being put in place to create an emergency social care system in Greater Tunis.

135. The network of social protection and inclusion centres has been expanded. These centres support children who are in situations of risk, have dropped out of school or have no family or educational support, in addition to street children and young people, families in situations of hardship or at risk of family breakdown, children who are conflict with the law or have been released from detention, and their families, and young people and adults who struggle to fit into society (art. 10, tables 2 and 3). The social protection and inclusion centres also oversee the "social work in the streets" programme, which aims to intervene in every individual case where children are found to be at risk. Public institutions take action in cases of child delinquency by providing social and psychological support to offenders and their families (see table No. 2 on activities of social protection and inclusion centres).



(b) **Older persons***Legal framework*

136. In view of the demographic shift that Tunisia is experiencing and the resulting gradual increase in the elderly population, a special legal system has been introduced to protect older persons. Law No. 114 of 31 October 1994 concerning protection of older persons, along with the orders and decisions for its implementation, represents significant progress in this field. The welfare system for older persons includes a number of programmes and operational mechanisms in both the public and charity sectors.

*Public institutions for the protection of older persons*

137. **Secretary of State for Women and Family:** since 2005, the Ministry for Women and Family has overseen issues relating to older persons by formulating, coordinating and implementing policies on older persons as part of the overall system that deals with ageing. The scope of the National Council on Women and the Family was broadened to include older persons and a committee was established within the Council to deal with welfare and inclusion of older persons. A committee on older persons was also created within the High-level Council on Population, to examine future challenges posed by the ageing population and identify ways to improve social, economic and health services for older persons in the light of social, demographic and economic variables.

138. The **Ministry of Social Affairs** plays a key role in ensuring the welfare of older persons by offering services and assistance to indigent older persons and retired social security beneficiaries and their relatives, through social security institutions. Social workers at regional directorates for social affairs carry out social research into older persons and monitor their economic, social and other circumstances.

139. The **Ministry of Public Health** implements the objectives set in the field of health care for older persons, with a particular focus on health services offered by clinics and hospitals. It runs preventive health programmes, conducts studies and research and provides basic education and training to improve the skills of health workers. The various national health initiatives and activities aimed at older persons have made significant progress towards integrating older persons and enhancing their position in society. One such programme is the National Health Programme for the Elderly, which has been in place since 1995 and is designed to maintain the independence of older persons and improve their lives in psychological, physical and social terms. The Ministry of Public Health has also issued a pamphlet requesting all hospitals to give priority to older persons for admission, accommodation, testing and all other stages of treatment. The Ministry has made efforts to guarantee free health care for persons on a limited income or who have no means of support and strived to promote scientific research in the field of social medicine for older persons. The National Institute of Public Health (INSP) has conducted a national survey on the "health and living conditions of older persons within the family", which examined the health situation of older persons and assessed their needs in all areas, particularly in terms of health and social services.

*The role of civil society*

140. The Secretary of State for Women, the Family and the Elderly cooperates and coordinates with the relevant government structures and civil society to implement plans and programmes aimed at creating a "society of all ages" where older persons can maintain their dignity and live a decent life. Among the civil society organizations involved are the Tunisian Social Solidarity Union (UTSS) and a number of regional and local elderly health care organizations and retirees' associations.

141. Welfare programmes are based on caring for older persons in their home environment, offering emergency assistance to indigent older persons, bringing social and health services to older persons in their own homes and providing them with family support. Older persons are only brought into institutional care as a last resort when no alternative solutions are available to keep them in their normal family environment.

142. Older persons can also attend day centres, which not only prevent isolation and offer social contact and leisure opportunities, but also supplement the efforts of families by providing day-to-day services to older persons when family members are absent due to work or study commitments. With regard to private investment in services for older persons, the State has opened up the market to allow private developers to establish private care homes.

**(c) Persons with disabilities**

143. Article 17 of Policy Act 2005-83 of 15 August 2005 reaffirms that the “freedom of persons with disabilities is essential” and advocates an approach based on keeping persons with disabilities in their home environment and not restricting their freedom on the grounds of their disability. In “exceptional” cases, “persons with disabilities may be admitted to an institution specialized in the care of persons with disabilities”, at either their own request or that of their legal carer. A number of such institutions are available in Tunisia.

144. Tunisia provides assistance to persons with disabilities to improve their lives and preserve family stability in the home. The State allocates 23,000 stipends per year to indigent persons with disabilities. The stipend is higher for families with children of school age, and is revised periodically in line with the cost of living. The law places particular emphasis on taking care of children with disabilities in all situations and, wherever possible, within the family. The number of day care centres for persons with disabilities has also been increased significantly.

145. Tunisia’s social approach places priority on keeping persons with disabilities in their normal home environment. Persons with disabilities may also be placed with foster families and provided with material and other assistance at their own request or that of their legal carer or the foster family.

**(iii) Protection for mothers**

**Protection for working women (see article 9)**

146. Tunisian law guarantees full equality between women and men at the various stages of employment and economic activity in both the public and private sectors, with respect to recruitment, career progression, salary and investment. For public sector jobs, a scheme has been introduced which allows mothers to work half-time for two-thirds of the salary while maintaining their full pension, social protection and career progression rights, to allow them to reconcile their family lives with their professional obligations. The Labour Code and a number of sectoral joint agreements contain provisions on protection for working mothers. Certain sectoral joint agreements allow working women to take maternity leave for longer than the period stipulated under article 64 of the Labour Code. Working women receive a maternity grant for the duration of their maternity leave, in accordance with the legislation in force. A number of legal measures apply to both parents to allow them to look after their children in favourable conditions. Pregnant women working in private companies have the right to leave the workplace without prior notice if their condition of health so requires, provided that a medical certificate to justify the absence is provided at a later date. Pregnant women may not be dismissed, requested to pay the penalties stipulated in the Labour Code for unauthorized absence, or employed to work underground, at night, on the weekend or on public holidays or official vacations. The Labour Code gives working women the option to work part-time or half-time to look after their young or disabled children, provided that

consent is provided by means of a written contract. The law guarantees women civil servants maternity leave of two consecutive months without interruption or segmentation, with the option of claiming postpartum maternity leave of four months provided that a request is submitted to that effect and consent is obtained from the head of department.

**(iv) Measures for the protection and assistance of children and youth under the minimum age of employment for children (see article 6)**

**(a) Minimum age of employment for children**

147. Article 53 of the Labour Code sets the minimum age of employment for children at 16 years, with certain exceptions (articles 53.2 to 56 of the Code). The minimum age of employment is set at 18 years for certain activities that carry a health, safety or moral risk as a result of the intrinsic nature of the activity or the conditions in which the work is carried out (article 58 of the Code). Implementation provisions have been issued which set the minimum age for certain activities and specify activities for which the employment of children under the age of 18 is prohibited. Article 65 of the Code stipulates that children under the age of 14 must have a daily period of 14 continuous hours off work, which must include the interval between 8 p.m. and 8 a.m. Children between the ages of 14 and 18 must have a daily period of 12 continuous hours off work, which must include the interval between 10 p.m. and 6 a.m.

148. Children under the age of 18 employed in agricultural activities are entitled to a night-time rest period of no less than 12 continuous hours for those under the age of 16 and no less than 10 continuous hours for children between 16 and 18, provided that they are given compensatory rest breaks during the day time. Children under the age of 18 may not be employed to perform any work between the hours of 10 p.m. and 5 a.m. A number of steps have been taken to further protect children from premature employment and economic exploitation. Tunisia has ratified certain international labour conventions to that effect and the Minister of Social Affairs issued a decision on 19 January 2000 specifying a list of jobs for which children under 18 may not be employed on the grounds of the risk to their health, safety and moral well-being, and setting conditions for the granting of individual work permits to allow children to appear in public concerts or work in film. The minimum age for the employment of children in domestic work has been raised from 14 to 16 years.

**(b) National action plan to combat child labour**

149. A tripartite leadership committee, on which sit representatives of six ministries (September 2013-December 2014) oversees the national action plan to combat child labour, which includes two stages: first to prevent the most serious forms of child labour, and subsequently to prevent all forms of child labour. Implementation of the plan is due to begin in 2015. The departments of the Labour Inspection Office monitor employment of children in enterprises to ensure compliance with labour legislation on the minimum age, working conditions and types of work for which the employment of children is prohibited.

**(v) Guaranteeing the economic, social and cultural rights of asylum seekers and their families**

150. The Government has passed national laws based on the principles of universal human rights and non-discrimination and ratified various international agreements to serve the interests of migrants' families.

**(vi) Domestic violence against women and children**

151. Domestic violence is recognized as a criminal offence under article 218 of the Penal Code. In cases of violence against a spouse, marriage is considered to be an aggravating circumstance, which raises the penalty from one to two years' imprisonment.

**(a) Protecting children from abuse**

152. Any person who forces a child to carry out an act of a sexual nature, commits a physical act of a sexual nature against the person of a child or encourages, participates in, benefits from or exploits any such act through the publication or distribution of any form of pornography to gain financial reward is considered to have committed a child sex offence. It is worth pointing out that legal protection of children against crimes of sexual abuse, whether committed either directly against them or through exploitation, is only one of many aspects of Tunisian legislation relating to child protection and welfare.

**(b) Protecting women against violence**

153. Approximately 47 per cent of Tunisian women experience some form of violence at some stage in their life. In 2014, the State adopted a comprehensive law to eliminate all forms of violence against women and girls, and the Constitution sets combating violence against women as a national priority; a number of its provisions are aimed at establishing greater equality between women and men and state explicitly that the State is responsible for combating violence against women. These measures respond to the recommendations that the United Nations Committee on the Elimination of Discrimination against Women made to Tunisia in 2010 and repeated in 2013, highlighting the need to adopt a comprehensive law to combat violence against women in line with international standards.

154. As part of efforts to implement the 2008 national strategy to combat violence against women at all stages of life, the Secretary of State for Women and Family decided that the need to prevent violence against women and girls and protect survivors of violence should be enshrined in a comprehensive law. This initiative is supported by United Nations Agencies such as the United Nations Population Fund, the Office of the High Commissioner for Human Rights, UN-Women and the United Nations Children's Fund, in addition to the European Council.

155. The comprehensive draft law on the elimination of all forms of violence against women and girls was formulated using an approach based on the system of human rights and gender equality. This approach involves recognizing that such violence is rooted in gender-related issues and constitutes a violation of women's basic rights. The draft law, which takes into consideration the many different forms of violence, represents a crucial step towards strengthening national legislation on women's and girls' rights. It is the product of a comprehensive participatory approach and its adoption and implementation will depend on collective awareness-raising efforts on the part of all civil society stakeholders and human rights organizations (see table No. 3 on cases of sexual abuse against women and children).

**(vii) Criminalization of trafficking in persons**

156. While Tunisia does not have a law specifically on trafficking in persons, a draft law on combating trafficking in persons has been formulated, pending submission to the Assembly of the Representatives of the People. In the absence of a specific legal document, the provisions of the Penal Code are applied and offenders are traced in order to address issues such as clandestine prostitution, incitement to immoral behaviour and assistance in the prostitution of another person, including through deception. In 2013, 177 cases were recorded and 107 persons were detained and brought to trial. During the first seven months

of 2014, another 50 cases were recorded and 8 persons were detained. The resulting court rulings ranged from dismissal of the case to prison sentences of between six months and three years (see table No. 4 on the number of recorded cases of offences of trafficking in persons).

157. An anti-trafficking in persons unit has been created within the sub-directorate for social prevention at the Judicial Police department to deal with trafficking cases directly. The unit compiles investigation reports on girls and intermediaries known to travel frequently to typical destination countries for women working in prostitution, detains them and brings them to justice, including those who are on the run. It coordinates with air and land crossing points to collect information on the exact movements of persons known to travel frequently to countries that are known to have high rates of exploitation of women through prostitution, corresponds with the departments responsible for obtaining information on intermediaries and victims, and coordinates with women's organizations to offer psychological and social support to women victims of trafficking.

158. The Ministry of the Interior is conducting studies on this phenomenon in Tunisia in cooperation with the International Organization for Migration, as part of a programme entitled, "strengthening and transferring mechanisms for assistance, guidance and experience exchange in the field of trafficking in persons" (SHARE). Activities to date include a workshop day on preventing trafficking in persons in Tunisia and a briefing on the results of the study on trafficking in persons in Tunisia.

159. The human rights unit at the Ministry of the Interior is responding to petitions submitted by related organizations and taking the necessary follow-up measures.

## Article 11

### The right to an adequate standard of living

#### (i) The national poverty threshold, baseline used and methods of measurement

160. The National Institute of Statistics measures indicators of poverty and social inequality using data from the national survey on expenditure and consumption. It also uses information on family living standards, which is collected every five years by recording the consumption habits of a sample of families throughout the course of an entire year. The poverty threshold is calculated based on the principle of absolute or extreme poverty, as is the case in most developing countries.

#### Changes in the annual per capita poverty threshold by area between 2000 and 2010

	<i>Poverty threshold (in dinars)</i>		<i>Extreme poverty threshold (dinars)</i>	
	2000	2010	2000	2010
Greater Tunis	902	1 277	534	757
Average in urban areas	818	1 158	518	733
Average in non-urban areas	581	820	405	571

161. In response to continuing changes in the international methodology used to measure the poverty threshold in developing countries, the National Institute of Statistics updated its methodology in 2005 for the first time since 1980. The new methodology is as follows:

- The food component is estimated based on the evaluated optimum calorie intake and the average cost of the basic food basket. The non-food component is calculated using a formula that takes into account a number of variables. This is done for both

urban and non-urban areas using a standardized population segment across the two types of area (average per capita expenditure of 360–480 Tunisian dinar).

162. The methodology divides the poverty threshold into two different levels: the lower or “extreme” poverty threshold, which is calculated based on an optimum intake of around 2,200 calories; and the upper poverty threshold, which factors in a higher level of spending on non-food items and takes account of spending patterns and optimum food intake.

163. To keep pace with changes in the approved methodology for measurement of the poverty threshold, the National Institute of Statistics further revised its approved methodology by altering the parameters of the reference group, which previously referred to families with an average annual per capita expenditure of between 360 and 480 dinars and now refers to the poorest 20 per cent of the population; defining the optimum per capita intake of calories; revising the approved methodology for calculation of non-food components of the poverty threshold, and introducing an indicator of well-being.

164. The new methodology showed a drop in the poverty rate from 32.4 per cent in 2000 to 23.3 per cent in 2005, and subsequently to 15.5 per cent in 2010. In Tunisia, individuals are classified as being in poverty if their level of annual consumption is below the poverty threshold, which is set at 1,277 dinars per capita per year in cities and 820 dinars in non-urban areas. Individuals are classified as being in extreme poverty if their level of annual consumption is below the extreme poverty threshold, which is set at 757 dinars per capita per year in cities and 571 dinars in non-urban areas (see table No. 1 on variations in rates of extreme poverty and precarity).

165. Despite a significant decrease, the national poverty rate remains high, particularly in the non-urban interior of the country where the poverty rate is over twice as high as in cities.

166. The proportion of the population living below the poverty threshold in the central-western area of the country was estimated at 32.3 per cent in 2010. More efforts are therefore needed to address poverty and other social disparities, not only because the central-western region remains the poorest but also because the gap between it and the coastal areas of the country has widened significantly (see table No. 2 on poverty rate distribution by region).

167. Alongside the indicator for poverty measurement, Tunisia adopted the Human Development Index (HDI). Tunisia’s HDI value was 0.721 in 2013 according to the 2014 Human Development Report, compared to 0.642 in 2000, positioning it 41st out of 53 countries categorized as having high levels of human development. Tunisia’s world rank increased to 90th out of 187 countries in 2013, compared with 101st in the year 2000.

168. The annexed table shows that between 2000 and 2013, Tunisia made progress on HDI indicators, with an increase of 1.8 years in life expectancy at birth, from 72.6 to 74.9 years, and 1.8 years in the average number of school years, from 4.8 to 6.6 years. The expected number of school years rose by 1.4 years, from 13.2 to 14.6 years. In terms of living standards, annual GDP per capita increased by an estimated 4.6 per cent between 2000 and 2013 (see table No. 3 on life expectancy at birth and GDP per capita).

**(ii) National action plan and strategy to combat poverty and mechanisms used to document, implement and evaluate progress achieved towards eliminating poverty**

169. Tunisia’s poverty reduction policy includes a series of programmes aimed at boosting social development, reducing disparities between regions and population groups and preserving human capital. The general principles behind these policies ensure that all economic and social rights are protected and guaranteed throughout every aspect of the

development and implementation of the various programmes and mechanisms. Despite their high level of priority in Tunisia's development strategy and pivotal role in poverty reduction, these policies and programmes have not been compiled into a single document and no specific mechanisms are in place to monitor and implement them.

170. To evaluate programme effectiveness and progress achieved towards eliminating poverty, national surveys are conducted every five years on consumption, expenditure and living standards of families. The most recent such survey was conducted in 2010. Other sources used for evaluation include administrative sources as the national register of indigent families, which extracts indicators on the economic and social characteristics of limited-income families, and the results of evaluations conducted on certain programmes.

**(iii) Poverty reduction policies and strategies**

171. In addition to its development policies and strategies related to poverty reduction, in particular those on education, employment, social security and support for basic necessities, Tunisia has established a social security network which provides services to vulnerable social groups and those with special requirements. A series of specific programmes to combat poverty have also been adopted to intervene in issues related to welfare and inclusion.

*Social advancement programmes*

172. Among Tunisia's main welfare programmes are its "social advancement programmes", which are designed to provide indigent and limited-income groups with the minimum requirements for a decent standard of living, and to protect vulnerable members of society. The National Programme of Assistance to Needy Families falls under this scheme.

173. The National Programme of Assistance to Needy Families provides families living below the poverty threshold with a direct financial allowance of 110 dinars, compared with 73 dinars in 1999. The allowance is worth 34 per cent of the guaranteed minimum wage and is currently given to 235,000 families, an increase from 135,000 in 1999. Priority is given to families headed by women or looking after foster children. As part of the programme, families that receive the monthly allowance and have school-age children are allocated a supplement of 10 dinars per child, up to a maximum of three children. The programme also provides free health treatment to indigent families that meet the specified criteria, persons with disabilities who are unable to work and indigent older persons living with their family. Discounted health treatment is available for limited-income families that do not have health insurance. Indigent families also receive extra financial assistance on religious holidays, which was worth a collective total of 23 million dinars in 2013, in addition to ad hoc emergency assistance and an academic expenses allowance at the start of the new school year, which totalled 14 million dinars in 2014. Various measures have been adopted to guarantee transparency in the system of emergency assistance allowances and strengthen the rights of population groups living in poverty.

174. A hi-tech, dynamic data bank on indigent and limited-income families is being created with a view to providing beneficiaries with social intervention that is better suited to their needs. An information system on indigent and limited-income families has been set up with financial backing from the Middle East and North Africa Transition Fund, which is supervised by the World Bank, and a comprehensive review has been carried out to collect updated information on indigent and limited-income families and individual family members.

*Welfare programmes for social groups with special requirements*

175. Tunisia has adopted poverty reduction programmes geared towards the inclusion of a range of social groups with special requirements such as children, older persons, persons with disabilities and women.

176. To raise living standards and conditions in the least developed areas of the country, the Government has embarked on a number of development initiatives to assist people living in poor rural and urban areas. One such initiative is the Integrated Urban Development Programme (PDUI), one of a new generation of development programmes, is aimed at launching projects to improve living standards and foster employment in poor urban and rural areas and has targeted 290,000 inhabitants of working-class areas to date.

177. The Regional Civilizations for Development Programme, a nationwide mechanism for stimulating ad hoc employment, is aimed at absorbing unskilled workers from disadvantaged social backgrounds into the labour market.

178. The Integrated Development Programme is aimed at providing employment opportunities, increasing income levels and improving infrastructure and public facilities. It targets areas (known as *délégations*) classified as high-priority, those located along the border, those facing certain specific challenges (for example desert, mountain and mining areas), and areas of medium to low economic activity. A total of 90 projects have been carried out in 55 *délégations* inhabited by a total of 92 million people. 81.1 per cent of the programme's projects have been implemented in *délégations* located in the interior of the country, where complaints had been raised about low development indicators in relation to coastal areas. The remaining 18.9 per cent of projects were carried out in coastal areas.

179. Under the Regional Development Programme, 64,469 families have been provided with drinking water, 43,016 families with electricity, 107,667 families with assistance to obtain sources of income and 63,250 families with improved housing. In addition, around 2,035 km of agricultural land has been created.

*Programmes for the promotion of labour-intensive employment*

180. Five labour-intensive pilot projects, each lasting three weeks, were launched in 2013 in various regions in the interior of the country. The projects were worth a total of 13 million dinar and focussed on the governorates of Silyanah, Qasrayn, Qafsah, Kaf and Sidi Bu Zayd.

181. The projects encountered a number of difficulties, which hampered their effectiveness. Among the main problems was the fact that less than 50 per cent of the project funds that had been transferred to the regional councils was actually used. The regional councils and technical departments also lacked the necessary human and material capacity to implement the planned projects within the given time frame, the impact of the programmes on the target areas was not evaluated and the various projects were poorly integrated with one another and with other sectoral interventions. Furthermore, there were problems related to recruitment and the projects strayed from their original objectives.

**(iv) Social transfers (see table No. 4 on social transformations and inclusion programmes)**

182. The term "social transfers" refers to the social interventions carried out by the State or its institutions for the benefit of citizens. There are various different types of transfer, such as State provision of free or low-cost services in fields such as education, training and health; full or partial provision of basic equipment and facilities such as drinking water and electricity supply in rural areas; in-kind and direct cash assistance such as allowances for limited-income families and ad hoc emergency assistance grants; subsidization of staple



goods to reduce the disparity between real cost and retail price; social security benefits for contributors to the social security system and those entitled to benefits such as stipends and family allowances; and health and occupational accident insurance. In contrast to wages, which are paid in return for work performed, social transfers are a social income supplement which requires nothing in direct exchange.

(v) **The right to food**

(a) **Measures taken to ensure affordable food of sufficient quality, quantity and nutritional value**

183. As a member of the United Nations Food and Agriculture Organization (FAO), Tunisia has adopted the international definition of food security and established food security as one of the pillars of its development policy. Tunisia has added two further elements to the FAO definition, namely: providing food based on national production as far as possible while respecting the principles of economic viability; and endeavouring to achieve a sustainable food trade balance. Through implementation of sectoral strategies, which apply to cereals, olives, potatoes, tomatoes, dairy, poultry and sea fishing, among other measures, Tunisia has managed to strengthen its food security in a sustainable fashion. In stark contrast to the critical situation faced by countries that are afflicted by famine, malnutrition and the resulting food insecurity, Tunisia has always had a continuous, regular supply of staple and non-staple foodstuffs and has never faced significant imbalances between the needs of the population and the available food supply, even during difficult periods (such as after years of drought), or faced disruptions in food availability.

(b) **Guaranteeing a regular food supply**

184. Reserves are maintained of the main staple foodstuffs (potatoes, milk, meat and poultry), enhanced storage and distribution networks are being created and the Grain Bureau (*Office des Céréales*) maintains a permanent strategic reserve of two months' supply of cereals. To increase storage capacity, plans have been drawn up to create an additional 6.4 million quintals' worth of storage.

(c) **Improving production and productivity**

185. Work is under way to implement the sectoral plans aimed at achieving self-sufficiency in staple foodstuffs and providing a regular, year-round supply of food of sufficient quantity and quality, based on national production as far as possible. Among its main achievements, Tunisia is almost fully self-sufficient in vegetables and cereals, over 95 per cent self-sufficient in red meat and fully self-sufficient in white meat, eggs and dairy products. National production accounts for an estimated average of 72 per cent of the food trade balance (average for 2010–2013).

186. Despite efforts to strengthen food security, however, domestic production of many staple foodstuffs remains low. For example, Tunisia imports 38 per cent of its demand for hard wheat, 81 per cent of its soft wheat (average for 2010–2014) and all of its rice, maize, sugar and vegetable oil. This trade imbalance has a negative effect on individual food security, especially for people living in poor areas. Among the main factors contributing to low rates of domestic production are unstable climate conditions and irregular rainfall, which have a negative effect on production of rainfall crops, as well as inefficient production techniques and poor irrigation of irrigated grain.

187. As part of Tunisia's subsidization policy for staple foodstuffs, the General Compensation Fund subsidizes various items: 9.2 per cent of the total subsidies are granted to the poor, 60.5 per cent to the middle classes and 7.2 per cent to the affluent. The value of these subsidies has increased significantly, reaching 1.9 per cent of GDP in 2013.

Expenditure on subsidies has risen to unprecedented levels: the total cost rose from 243 million to 730 million dinars between 2005 and 2010, then doubled between 2010 and 2013 to reach 1,450 million dinars in 2014. The role of the General Compensation Fund therefore needs to be reconciled with the financial cost to the State budget.

188. While Tunisia's subsidization policy has contributed to social advancement and played a major role in protecting the purchasing power of the poor and middle classes, it is also a costly measure which places a heavy burden on public finances, reduces the accountability of private enterprises operating in the subsidized sectors and exacerbates other problems such as smuggling (as a result of price differences between Tunisia and neighbouring countries) and wastage. The subsidy system is also abused by certain social groups that are not eligible for support. In 2002, a specialized body was created to conduct detailed studies on the loopholes in the subsidy system, adopt a strategic approach to subsidization policy and carry out the necessary reforms.

**(vi) The right to water**

189. Water policy in Tunisia is designed to guarantee water security for present and future generations, maintain a balance between water supply and demand and take account of climatic changes and urban and economic development. In 1990, Tunisia established national initiatives for the mobilization of water resources, with a view to mobilizing 95 per cent of the country's water resources by 2016. It has also implemented national seawater desalination programmes, improved desalination techniques, streamlined demand for water, economized use of irrigation water and continued to repair dams and make use of dam surpluses, to ensure that the water system provides a reliable supply to all sectors.

**(vii) Measures taken to ensure adequate and affordable access to water for everyone**

190. The National Water Distribution Utility supplies drinking water to rural areas, either through its water supply system in densely populated areas that lie within easy reach, or in the form of public taps, and individual supply where technically possible, through its engineering offices in remote and difficult-to-access areas. In rural areas, water systems are managed by water councils, which supply drinking water to their members on a collective basis to ensure sufficient water for cattle and to protect trees during periods of drought.

191. To ensure that water of adequate quantity and quality is distributed equitably between the various regions, Tunisian towns have adopted a strategy of water adjustment to ensure a balanced water supply between areas of surplus and deficit, particularly during periods of low rainfall and drought. In addition, water from various reservoirs is mixed to reduce water salinity.

**(viii) Presentation of information on the existing system for analysing water quality (see article 12)**

**(ix) Education and awareness-raising about hygienic use of water and protection of water resources**

192. In May 1995, a national water economization strategy was introduced across all agricultural and non-agricultural sectors, based on a number of integrated technical, institutional and economic measures. Water councils play an important role in water system management. Tunisia had 2,580 such councils in 2012, including 1,327 drinking water supply councils. The biggest consumer of water resources is the irrigated agriculture sector, which accounts for 80 per cent of total water consumption, placing it in competition with other uses such as drinking water, for which demand is growing. The national water economization programme has installed water-saving irrigation equipment on 88 per cent of irrigated land, 45 per cent of which is localized irrigation equipment. Although

non-conventional water sources such as treated waste water and desalinated water are also being used, this remains on a limited scale owing to the quality of the treated water and rising costs of desalination.

(x) **The right to adequate housing**

(a) **Unsuitable housing and measures taken**

193. As part of its efforts to guarantee the right to housing and address the issue of inadequate housing, Tunisia has completed a range of housing projects, including those listed below.

194. The **National Programme for the Elimination of Primitive Housing**, which was launched in 1986 and completed in 2007, removed and replaced 94,000 primitive dwellings, of which 80 per cent were located in rural areas and 20 per cent in urban areas.

195. The **National Solidarity Fund**, which was created in 1992, carried out work to build new houses to replace shanty dwellings, make improvements to existing houses and build new residential settlements. Between 1993 and 2005, the project dealt with approximately 63,000 housing units (including 43,000 new houses and 20,000 improvements).

196. Between 1992 and 1996, the **National Programme for the Rehabilitation of Lower-Income Areas** consolidated infrastructure (including roads, sanitation, public lighting, rain drainage and drinking water supply) in 222 areas throughout 135 communes between 1997 and 2001, benefiting a total of 540,000 inhabitants. Between 2002 and 2006, the programme carried out work in 259 areas throughout 224 communes, involving 580,000 inhabitants. Between 2007 and 2012, a further 229,000 areas were rehabilitated in 190 different communes, involving approximately 600,000 people inhabiting 120,000 housing units.

197. The **Programme for the Advancement of Lower-Income Areas in Large Cities** intervened between 2007 and 2009 in 26 areas throughout 17 communes, one regional council and 15 governorates, covering an estimated 32,286 housing units inhabited by 166,055 beneficiaries. Between 2010 and 2012, the second round of the programme was carried out in 21 districts made up of 56 areas throughout 17 communes and one regional council, involving a total of 200,000 beneficiaries living in 40,000 housing units. In addition, approximately 232 km of roads were paved, 49 km of wastewater purification channels and 43 km of rainwater drainage channels were constructed and 4,263 lighting fixtures were installed.

198. The **Programme for the Rehabilitation and Integration of Residential Areas (2012–2016)** targeted 119 areas in 62 communes and 8 regional councils, covering 132,000 housing units inhabited by 685,000 people.

199. The **Special Programme for Social Housing**, during its initial phase in 2012, focussed on removing primitive housing units and either providing new houses or renovating or extending existing basic units. A total of 9,000 inadequate primitive dwellings were removed and replaced with new housing units.

(b) **Measures for the provision of State-funded adequate housing**

200. There are no measures in place to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources.

201. To ensure access to adequate housing for middle- and low-income groups, the State created the Social Housing Promotion Fund, which provided approximately 20,000 social

housing units for families on moderate incomes as part of the Special Programme for Social Housing.

202. To provide housing for persons with special housing needs, the Government issued Order No. 1467 of 30 May 2006 concerning the special technical specifications for facilitating the movement of persons with disabilities in public buildings, shared spaces and facilities, residential complexes and private buildings that are open to the public.

203. To ensure that housing is not built on polluted sites or in immediate proximity of pollution sources that threaten the health of inhabitants, Tunisia uses the Code of Planning and Urban Development, which sets standards for effective spatial planning and optimum use of space to ensure that housing complexes are constructed and developed in a way that creates well-adapted living spaces and protects public health and safety.

204. Tunisia did not practise forced evictions until the outbreak of the Tunisian revolution in 2011, at which point 965 housing units owned by State property developers were seized by families. Of the total 965 seized housing units, 82 were evacuated by law enforcement officials. In order to guarantee the rights of tenants to security of tenure and protection from eviction, the Tunisian Government adopted Law No. 35 of 18 February 1976, amended by Law No. 122 of 27 December 1993, on management of relations between owners and leaseholders of housing units intended for residential, professional or administrative use.

## **Article 12**

### **Physical and mental health of the population**

#### **(i) National health policy**

##### **(a) National health policy to improve the health of all citizens**

205. The national health plan is centred on the following key elements: promoting preventive medicine, supporting reproductive health, maintaining health security, combating non-communicable and chronic diseases, enhancing the performance and cost-effectiveness of hospitals and health facilities and supporting health infrastructure. The right to health is enshrined in the Constitution, which places particular emphasis on the right to free health care for those without means and those with limited income (art. 38), the right to water (art. 44) and the right to a healthy and balanced environment (art 45). Since 2012, Tunisia's human rights-based strategy has been geared towards reforming the health financing system with a view to achieving universal health coverage that offers all Tunisians access to effective essential services and shields Tunisian families from the burden of personal costs and emergency expenses.

206. In terms of structural reform, the development of new basic health structures has been accompanied by a process of decentralization of the health system, to guarantee provision of health services and bring them closer to citizens. To reduce regional disparities, the number of essential health clinics is being doubled, thus ensuring coverage of every area of the country. Government efforts remain focussed on further extending health coverage for the population.

207. Emphasis has been placed on primary health care, and particularly on early detection of disease, treatment for sufferers of chronic disease and promotion of healthy living habits. Efforts have also been made to accelerate reform of primary health services, strengthen the family medicine system, restructure the system of health centres and the epidemiological surveillance system and rehabilitate infrastructure and equipment in basic health care institutions. It should be noted that the financial burden of providing free health coverage

has a negative effect on the budget balance of public institutions and thus affects the quality of the services they provide.

**(b) Universal national primary health care system**

208. Initially, national programmes were built up gradually so as to address primary health issues while taking account of evolving demographic and epidemiological factors and changes in resource availability for both communicable and non-communicable diseases.

209. Secondly, access to treatment was improved by increasing nationwide coverage of health facilities and services<sup>77</sup>.

210. The third step involved rehabilitating the health system and putting health activities on the front line by establishing the national programme to support health centres and launching strategies to guarantee the quality of primary health services and integrate maternal and child health care services (see table No. 1 on progress in indicators of health budget and health equipment). Practical obstacles and challenges included a lack of human and material resources and failure to launch the credit system.

**(c) Preventive, curative and rehabilitative health facilities**

211. Basic health centres have been established according to standard designs for each different type of centre, and installed with equipment based on standardized lists. Technical and hospital equipment, including emergency backup electricity generators, hi-tech medical equipment and fire suppression systems, is subject to regular technical monitoring, testing and maintenance. Evacuation procedures are kept up to date and continuous efforts are made to improve technical maintenance departments and carry out maintenance on health equipment and facilities.

212. Difficulties are presented by the fact that equipment lists are not sufficiently up-to-date and hospital infrastructure needs to be built and rehabilitated to comply with new regulations and specifications, particularly with respect to energy saving criteria and using suitably technologically advanced equipment and techniques.

**(d) Cost of health care services and private or public health insurance**

213. Patients covered by social security receive health care at public health establishments under their chosen system of treatment. Patients who do not have social security coverage receive partially or fully subsidized health care. Given that the majority of uninsured patients who attend public health facilities benefit from the system of partially subsidized treatment, they are only required to pay the remainder of the cost, which is a symbolic amount.

214. In the private sector, the cost of health care services for patients without social security is determined according to the general classification system of professional activities in the medical professions (NGAP).

**(ii) National policy (see article 7)**

**(iii) Safety and services: occupational safety (see article 7)**

**(iv) Quality of medicines and medical equipment and prevention of expiry**

215. The Central Pharmacy of Tunisia (PCT) supplies and distributes medicines and certain medical supplies to public health institutions and helps to set public policy on medicines for human and veterinary use. Medicines, paramedical substances, medical

supplies and parapharmaceutical products can only be promoted subject to a licensing system or in compliance with certain conditions, and must undergo technical surveillance at the point of supply.

**(v) Adequate training of health personnel, including on health and human rights**

216. The medical training system has been revised to comply with the international standards in force. Tunisia currently has 15 medical training schools spread throughout the country, which provide continuing professional development sessions for paramedical personnel and temporary staff as part of technical cooperation efforts. The categories of staff trained at the medical training schools have been revised and now include health care assistants, carers and early childhood development assistants.

217. A number of obstacles and difficulties have arisen as a result of the decision to train nurses in the higher education system while continuing to train certain other paramedical professionals (notably health care assistants) in non-university training establishments. These problems include: a lack of accurate information on the skills required for paramedical professions; limited private sector participation in recruiting graduates from the paramedical training system; ongoing pressure on the public sector, which is not able to absorb all the graduates; limitations of the monitoring system for paramedical training establishments due to a lack of human and financial resources; and a deficit of trainers and specialized training resources.

**(vi) Improving child and maternal health care**

218. The Ministry of Public Health has designed, revised and updated its national programmes to provide continued support to the Government's policy on boosting reproductive health through focussing on maternal and child health, and on improving disability prevention and early detection of disabilities. A special action plan has been launched to target governorates where maternal and child health indicators remain below the required levels. Reproductive health services have been integrated into 90 per cent of primary health centres. Following reinforcement of the national vaccination programme, the general vaccine coverage rate among children under 16 has reached over 97 per cent.

219. The national programme on reproductive health has achieved positive results by providing free medical services to an extended range of social groups and geographical areas.

**(vii) Prevention and treatment of water-related diseases**

220. The Ministry of Public Health has focussed on preventing water-related diseases, maintaining progress made in the prevention of cholera and schistosomiasis, reducing the incidence of typhoid fever and viral hepatitis A, treating all diagnosed cases of schistosomiasis coming from abroad and tackling sources of hepatitis A outbreaks by raising health awareness and coordinating with other sectors.

221. Health and environmental protection offices at the national and regional level monitor the quality of drinking water in urban and rural areas to ensure that it complies with the hygiene standards and procedures in force. Treated waste water for agricultural use is monitored to ensure that agricultural produce is safe for human consumption. In spite of efforts made, monitoring of drinking water remains insufficient; capacity-building is needed for technical staff responsible for managing health risks associated with unsafe drinking water.

**(viii) Implementing and strengthening immunization programmes and strategies on control of infectious diseases**

222. The Ministry of Public Health has continued its programmes of immunization against the six diseases covered by the global vaccination programme. The national coverage rate for immunization has reached over 95 per cent and the Tunisian Government conducts epidemiological surveillance of the diseases targeted by the national vaccination programme. A national programme was launched in 2012 to tackle all strains of hepatitis C and reinforce hepatitis prevention strategies. Surveillance of acute and severe respiratory infections has been stepped up as part of the influenza monitoring system, and efforts have been reinforced to tackle leishmaniasis and improve surveillance of epidemic-prone diseases, foreign-introduced diseases such as malaria, schistosomiasis and haemorrhagic fever, and sexually-transmitted diseases such as acquired immunodeficiency syndrome (AIDS).

223. Owing to a lack of resources and the high cost or unavailability of new vaccinations and medicines, obtaining new vaccines for the treatment of viral hepatitis C has remained difficult. Costly vaccines could be supplied by establishing a purchasing strategy with neighbouring countries.

**(ix) Preventing drug and smoking addiction and use of illegal drugs and other harmful substances**

224. Smoking in certain public spaces is prohibited by Law No. 17 of 23 February 1998 concerning prevention of the harmful effects of tobacco. Under Law No. 52 of 1992 on drugs, the possession, consumption and distribution of drugs are prohibited and owners of cafés, restaurants and other spaces intended for public use are required to designate a non-smoking area. However, despite Tunisia's adequate legislation and structures to provide care to drug addicts and alcoholics, measures to tackle drug abuse, alcoholism and tobacco addiction remain limited. There is an absence of data to map out the real epidemiological situation in terms of addiction patterns, and a lack of specialized hospitals for the treatment of drug addicts and alcoholics and clinics to help people to break their addiction and reintegrate into society.

225. To overcome the deficiencies, Tunisia is currently revising its related legislation and has adopted a preventive, education-based approach to protect society from the scourge of drugs. It has increased penalties for drug dealing and smuggling and stepped up surveillance on the use of illicit drugs and other harmful substances such as tobacco. Law No. 17 of 23 February 1998 on prevention of the harmful effects of smoking is currently being revised to bring it closer in line with the provisions of the World Health Organization's Framework Convention on Tobacco Control.

**(x) Prevention of HIV/AIDS and other sexually transmitted diseases**

226. Tunisia has established 25 specialist centres offering guidance and free, anonymous HIV screening. The State also implements national monitoring and prevention programmes, deals with potential cases of the virus, trains specialists and runs public information campaigns. Nevertheless, discrimination and fear of stigmatization remain widespread, which prevents the necessary information from reaching the target population of these programmes. Data from 2013 showed that the method of transmission was not disclosed in 22 per cent of cases.

**(xi) Ensuring affordable access to essential drugs, as defined by the World Health Organization**

227. Efforts have been made to improve the availability of medicines in health establishments and promote higher production of good-quality pharmaceutical products to ensure better coverage of national medication requirements. All Tunisians living with HIV are provided with free antiretroviral drugs, which are available at four health care centres and prescribed according to the international recommendations in force. Owing to the high cost of antiretrovirals, especially third-line antiretroviral drugs, they are provided free of charge to Tunisian citizens only. With regard to availability of drugs for the treatment of chronic illnesses, the budget allocated to medicines at front-line health care facilities meets only 50 per cent of requirements. Primary health care centres spend 80 per cent of their budget on medicines to treat the large numbers of chronic disease sufferers who come to them for regular treatment, and the number of such patients is increasing every year. Primary health care centres provide chronic disease sufferers with free prescribed medication every 15 days.

**(xii) Ensuring adequate treatment and care in psychiatric facilities for mental health patients**

228. Mental health services and hospital admission for mental illness are subject to the provisions of Law No. 83 of 3 August 1992, which was amended and supplemented by Law No. 40 of 2004 to keep pace with developments in care and treatment methods and to overcome certain problems and deficiencies related to treatment and hospitalization. In 2008, a target-oriented management unit was created to carry out a mental health promotion project.

**(xiii) Free treatment and medication (see article 9)**

229. The mental health care structure is divided into geographical areas to cater to the available health care resources and public facilities, strengthen the links between primary and specialist services and provide an ongoing system of supervision, guidance and training. According to data from 2013, Tunisia has a total of 287 psychiatrists, including 32 child psychiatrists, in addition to 1,400 public sector beds for mental health patients. In certain regions, however, mental health problems are diagnosed by general practitioners.

230. A number of problems have been identified in this field. For example, using two separate systems of hospital admission (voluntary and compulsory) can lead to overlap in patient treatment methods. Single administrative regions have to cater to wide geographical areas, which creates transport difficulties for patients and medical teams. There are significant regional disparities in the ratios of doctors to inhabitants and beds to inhabitants. The country still has relatively few psychiatrists (2.63 per 100,000 inhabitants), which are unevenly distributed throughout the country, with most practising at establishments in coastal areas. Furthermore, there are no more than 32 specialist child psychiatrists in the whole country, and there are no specialized psychiatry units for adults, which means that patients over the age of 15 are admitted to specialist alcohol units instead.

## **Article 13**

### **The right of everyone to education**

**(i) Compulsory school attendance in Tunisia**

231. Article 1 of Outline Act No. 2002-80 of 23 July 2002 on education and schoolteaching policy stipulates that education is a national priority, and school attendance is compulsory from age 6 to 16. Schooling is a fundamental right guaranteed to all



Tunisians without discrimination on the grounds of sex, social origin, colour or religion and individuals and society have a duty to guarantee this right.

232. Compulsory education was introduced by the Tunisian State at its independence. This principle was consolidated in article 39 of the Constitution of 17 January 2014, which stipulates that, “Education shall be mandatory up to the age of sixteen years. The State guarantees the right to free public education at all levels and ensures provisions of the necessary resources to achieve a high quality of education, teaching, and training. It shall also work to consolidate the Arab-Muslim identity and national belonging in the young generations, strengthen, promote and generalize the use of the Arabic language and promote openness to foreign languages, human civilizations and diffusion of the culture of human rights”.

**(ii) The role of education in directing the full development of the human personality and promoting a sense of dignity and respect for human rights and freedoms**

233. Article 3 of the Outline Act on education and schoolteaching policy states that, “education is designed to raise pupils to be loyal and faithful to Tunisia and to love and admire their nation. It should foster a sense of national identity and of belonging to a national, Maghreb, Arab, Islamic, African and Mediterranean civilization, and encourage openness to human culture. Education is aimed at instilling the values that unite all Tunisians, who recognize the importance of knowledge, work, solidarity, tolerance and moderation, to create a community that is both grounded in the elements of its own civilization and open to modernity, inspired by noble humanitarian ideals and the universal principles of freedom, democracy, social justice and human rights”. On that basis, efforts have been made to provide a human rights-based education through teaching methods, education curricula and school life and activities.

**(iii) Tangible steps taken by the State to achieve free and compulsory basic education**

234. Paragraph 2, Article 39 of the Constitution stipulates that, “The State guarantees the right to free public education at all levels”. State education in Tunisia is free at both primary and secondary levels and families are only required to pay a symbolic amount towards school fees. Parents cover the cost of books, school equipment, transport contributions and other school-related expenses and indigent families receive school grants. Mechanisms have been reinforced to support and assist poor and limited-income families in order to promote equal opportunities and equity between social groups, particularly in view of the fact that education is a fundamental right and a means to end poverty. In order to help pupils and students to afford school expenses, prevent school dropout and reduce the burden of school expenses, Tunisia has taken a number of measures, such as providing financial assistance to children from poor households at the start of each new academic year, doubling the funds allocated to school meals, issuing over 41,000 school allowances and enrolling children from poor families in kindergartens free of charge.

235. Funds have been allocated to support the “social work in schools” programme as a way of providing additional support to pupils and students, in particular those who struggle to adjust to school life or drop out of school because of family financial difficulties.

236. The State covers the cost of travel to school and university by providing collective public transport facilities for pupils and students. Rural school transport programmes are provided for pupils who need to travel between education establishments and remote areas.

**(iv) Providing technical and vocational education and enabling students to acquire knowledge and skills**

237. In recent years, various measures have been taken to promote technical education, with a particular emphasis on developing pupils' ability to acquire vocational and technical skills. October 1992 saw the creation of technical training establishments, which were converted into professional schools in 2000–2001. Preparatory technical education was introduced in 2007–2008.

238. At such institutions, pupils receive technical and applied training that teaches them the skills they need to work in major professional fields such as industry, construction or service industries, in addition to offering classes in languages, science and social sciences. There are three forms of basic training: classroom study, work-study programmes and on-the-job training.

**(v) Tangible measures taken to achieve universal free education**

239. Article 6 of Law No. 19 of 25 February 2008 concerning universal education stipulates that, "holders of a baccalaureate certificate or recognized equivalent certificate from another country may apply for admission to higher education based on merit and without discrimination".

240. Article 7 of the same Law states that, "State higher education is free. Higher education and research institutions may charge students enrolment fees under certain conditions specified by government order". In application of that Law, article 2 (new) of Order No. 1419 of 31 July 1995 concerning the determination of student financial contributions towards university life, as amended and consolidated by Order No. 1359 of 14 July 1997, stipulates that, "student financial contributions towards university life, including fees relating to enrolment, library use, examinations, medical check-ups and educational, cultural and sporting activities, shall be determined according to level of study and subject area".

**(vi) Measures adopted to promote literacy, adult education and lifelong learning**

241. Since 2000, Tunisia has implemented the National Adult Education Programme (PNEA) as a means of realizing the principles of education for all and the right to lifelong learning. The Programme is aimed at educating people whose circumstances have prevented them from gaining an education or who have dropped out of school or reverted to illiteracy. Beneficiaries are provided with comprehensive cultural education through cultural communications courses on topics such as the family, health, citizenship, dialogue and the environment. The Directorate for Literacy and Adult Education takes account of learners' social circumstances and offers incentives such as financial and in-kind assistance to those who are indigent or destitute (see table No. 1 on the literacy programme). The Directorate also takes account of women's circumstances and helps to support their role in the family and society by raising their awareness about gender equality, in addition to teaching young students basic skills and, where necessary, providing them the means to engage in income-generating activities.

242. Education centres have been established at headquarters of companies to provide literacy education to illiterate employees, thus allowing them to work more efficiently and opening up opportunities for career and salary progression.

243. Significant progress has been achieved in terms of literacy indicators. Data from the National Institute of Statistics shows that the following advances were made in the field of literacy between 1999 and 2011/12:

- Illiteracy among persons over the age of 10 fell from over 27 per cent in 1999 to 18.1 per cent in 2012;
- Illiteracy among women fell from 36.3 per cent in 1999 to 25.5 per cent in 2012;
- Illiteracy in rural areas fell from 40.8 per cent in 1999 to 29.9 per cent in 2011;
- Illiteracy among rural women fell from 53.2 per cent in 1999 to 40.1 per cent in 2011;
- Illiteracy among young people between the ages of 15 and 29 fell from 9.1 per cent in 1999 to 3.2 per cent in 2011.
- The absolute number of illiterate persons over the age of 10 fell from 2,050,361 in 1999 to 1,640,146 in 2012.

**(vii) Measures taken to reduce school dropout rates at the primary and secondary school level**

244. To promote the principle of free and compulsory education, the Ministry of Education and the Ministry of Social Affairs published their joint report No. 6 on 19 April 2010, on the subject of support for pupils who have dropped out of school. The system in place allows for information on school dropout cases to be communicated instantly and directly to the “social work in schools” team or local unit for social advancement so that the necessary action can be taken in a timely manner. The following measures have been taken to prevent school dropout:

- Gradual mainstreaming of preschool classes;
- Educational support for pupils at risk of falling below ordinary attainment standards;
- Reducing class sizes at primary schools where results are below the national average;
- Provision of educational and teaching facilities;
- Expansion of the network of advice bureaux at preparatory and secondary schools;
- Creation of local councils to monitor non-attendance at school for children between the ages of 6 and 16;
- Expansion of school transport programmes to cover rural school transport in priority areas;
- Increasing the number of “social work in schools” teams and supporting their role;
- Ensuring low turnover of teaching staff in areas where failure rates are above the national average;
- Promotion and encouragement of continuing professional development for teachers;
- Raising levels of educational support, supervision and assessment;
- Conducting studies to diagnose causes of school failure;
- Preparation of an updated plan to overcome school failure.

**Article 14  
Compulsory primary education free of charge**

(See table No. 13.)

## **Article 15**

### **Participation in cultural life and enjoyment of the benefits of scientific progress and achieving the full realization of this right**

245. Tunisia has strived to achieve a balance between economic, social and cultural rights by establishing the principles of the right to culture and freedom of thought and expression. Tunisia is committed to promoting cultural decentralization, protecting literary and artistic copyright, strengthening the status of creative professionals and protecting, paying tribute to and developing national heritage.

246. The State has encouraged the private sector to complement these efforts by allowing individuals and institutions to suggest how funds from income tax or business tax should be used to support cultural institutions, projects and activities, with a view to creating a new dynamic in the field of culture and national heritage protection.

**(i) Provision of information on key cultural institutions, festivals, theatres, museums, public libraries and other institutions, and measures taken to promote participation in cultural activities and institutions**

**(a) Affordable access to cultural activities for all sectors of the population**

247. To promote cultural decentralization, changes have been made to the legal framework governing public cultural institutions, which include cultural centres and complexes, theatres and performing arts centres, cultural centres, public music and dance institutes and public libraries. An advisory committee on regional culture has been created, comprised of representatives from various culture-related institutions. The main components of Tunisia's cultural infrastructure are its public cultural institutions, museums, youth centres and festivals (see table No. 2 on youth centre activities).

**(b) Reduced tariffs for school pupils, university students and certain other groups**

248. School pupils and university students benefit from reduced admission fees to art exhibitions in theatres, cultural centres and other public cultural institutions. In 2012, free entry was introduced for Tunisian pupils and students to certain cultural sites.

249. As part of the State's efforts to promote the interests of the older population, older persons are entitled to half-price admission fees. Tunisian law also states that persons with disabilities may enter museums, historic sites, sports grounds and leisure areas free of charge.

**(c) Removal of obstacles to the full participation of persons with disabilities in cultural life**

250. The State has endeavoured to eliminate obstacles that prevent persons with disabilities from exercising their right to participate in cultural activities, and efforts have been made to actively promote their involvement in cultural activities. The National Union for the Blind has called on the State to introduce special incentives for artists with disabilities. Special facilities have been provided to make it easier for persons with disabilities to take part in cultural activities.

**(ii) Measures taken to protect, celebrate and preserve heritage and traditional dress**

251. The State attaches particular importance to the protection, preservation and promotion of cultural heritage and has ratified various international conventions on that topic. Furthermore, the Code for the Protection of Archaeological and Historical Heritage and Traditional Arts has established mechanisms for the protection of heritage and

introduced penalties for persons who cause damage to heritage. In 2011, penalties were toughened for perpetrators of theft and looting of monuments and objects of historical, scientific, artistic and cultural value.

252. The annual national festival of heritage, which is celebrated between 18 April and 18 May, focusses each year on a selected area of national action related to tangible or intangible heritage. Exhibitions of traditional dress are also held during the festival.

253. Among other heritage protection measures, the Government collaborates with organizations working in the field of heritage to produce a report on attacks on heritage around the country and has created the National Council on Intangible Cultural Heritage. In 2014, as part of a project to protect intangible cultural heritage through national capacity-building in Tunisia, a number of training workshops were held on national implementation of the Convention on the Protection of Intangible Cultural Heritage and on compilation of inventories of intangible cultural heritage.

**(iii) Using scientific, technical and technological progress at a reasonable cost without prejudice to human dignity and rights**

**(a) Measures taken to guarantee affordable access to the benefits of scientific and technical progress for disadvantaged and marginalized groups**

254. Communications legislation guarantees the right of every citizen to use information and communications technology services. This commitment is reflected in the Government's programmes to expand the public communications network to cover the whole country, particularly remote areas. The Government is also subsidizing projects linked to the universal communications programme aimed at providing affordable telephone and internet services to all.

255. Persons with disabilities benefit from half-price internet services. Modern communications technology has been used to provide assistance to persons with disabilities through a special initiative which includes learning support for pupils with disabilities and long-distance services for persons with disabilities. Tunisia is currently modifying all administrative websites to make them disabled-friendly and offering incentives to associations wishing to create such websites.

**(b) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights**

256. Article 26 of the Telecommunications Code stipulates that, "The licence holder must comply with conditions of confidentiality and neutrality when transporting signals", and, "respect the international treaties and conventions ratified by the Tunisian State". Article 6 of Decree No. 3026 of 15 September 2008 sets the general conditions of use of public telecommunications networks and access networks and governs the confidentiality and neutrality of correspondence, processing of personal data and confidentiality of stored information. These obligations are stipulated in the licence agreements issued by the Ministry of Technology, Communication and Digital Economy to each stakeholder in the communications market. The agreements guarantee the personal freedom of users of communications networks, except in the case of information and permission required by the judicial authorities. Operators take all legal measures to guarantee the confidentiality of information stored concerning the location, and in particular the personal data, of service subscribers and users, whether regular or occasional, and ensure that transmitted or stored information cannot be shared with a third party without the consent of the user concerned.

**(iv) Measures for the effective protection of the material and moral interests of creative professionals**

**(a) Protecting the rights of authors by recognizing them as creative professionals and protecting their scientific, literary and artistic output**

257. The State has established a comprehensive legal and regulatory framework for the protection of the rights of creative professionals. To protect the industrial property and copyright of creators and inventors in industrial fields, a law was passed on patents, manufacturing labels, trade marks and service marks and protection of industrial design. Law No. 33 of 23 June 2009 expanded legal protection of literary and artistic property rights to include copyright and related rights, imposed harsher penalties for infringement of those rights and strengthened interim and emergency measures to prevent such infringements. The Fund for the Encouragement of Literary and Artistic Creativity was created to support creative professionals and create a favourable environment for creative work. A portion of the Fund's resources have been earmarked to encourage cultural, artistic and intellectual works, provide training to artists and hold live performances. In addition, Tunisia has ratified a number of international agreements on this subject, and following the revolution of 14 January 2014 the Government issued a number of decrees to strengthen existing protection.

**(b) Protecting the basic material interests of authors to enable them to enjoy an adequate standard of living (see article 9, paragraph 116)**

**(v) Legal provisions to protect freedom and creativity, and restrictions on the exercise of freedom**

258. Under Decree No. 3086 of 4 December 2012, a committee was established to select amateur and professional theatre and performance works submitted for distribution to cultural spaces. The committee is responsible for watching the performances and evaluating them according to objective criteria, purely on the basis of the artistic value of the performance, then submitting its selection of works for distribution to cultural spaces.

259. Decree No. 80 of 23 August 2011 concerning the creation of private enterprises for certain cultural activities abolished licences for the creation of private enterprises that produce, supply and distribute cinema and television films. The licences were replaced with terms and conditions which are subject to approval by the government minister responsible for culture.

**(vi) Measures taken to preserve, develop and disseminate science and culture and promote international cooperation in the field of science and culture (see article 2)**

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